

# EXTENSIONS OF REMARKS

## TRIBUTE TO KHI SERVICES, INC.

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to KHI Services, Inc., based in Rockville, MD, on the occasion of the corporation's 25th anniversary. Over the past quarter century, KHI Services, a community-based, residential, therapeutic treatment program has allowed over 1,600 people to confront their problems and set realistic goals to improve their lives.

In 1971, concerned private citizens with financial assistance from Montgomery, and the State government, and the Federal Law Enforcement Assistance Administration, created KHI Services as a nonprofit corporation to facilitate the work of the Karma Academies. Since its establishment, KHI Services has developed a number of programs, including Karma Academies for Boys and Girls, the Howard Academy, the Thomas O'Farrell Youth Center, and a counseling and community services program.

KHI Services has never deviated from the concept of family involvement to provide ongoing emotional support to adolescents in times of crisis. A primary goal of the corporation is to maintain the family's active involvement while the child is in residence, wherever possible, to promote the necessary changes in family functioning crucial to that child's successful return home.

I am proud to pay tribute to KHI Services, Inc., and I am honored to add my voice to the praises of the many friends and family who gather to salute this fine corporation.

## NATIONAL ANIMAL SHELTER APPRECIATION WEEK

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. SCHAEFER. Mr. Speaker, I rise today to ask my colleagues to join me in saluting America's animal shelters and the tens of thousands of caring individuals who are employed by or volunteer in these facilities. Just like other essential services our communities depend on, animal shelters and the people who work in them are services we often take for granted.

The Humane Society of the United States, which has provided training and support to local animal shelters and humane organizations for over 40 years, has declared November 3–9, 1996, as National Animal Shelter Appreciation Week. They are asking for us to take a minute of our time to show our appreciation for what shelters do to help animals and people in their communities.

The idea for a national week of recognition and appreciation for animal shelters is sup-

ported by numerous animal shelter and humane society directors, including the Denver Dumb Friends League, that serves my community. Bob Rohde, the executive director of the Denver Dumb Friends League is one of those individuals who has made a difference in making animal care and control the life saving profession it has now become.

I ask that you and all Americans join me, the Humane Society of the United States and local animal shelters like the Denver Dumb Friends League, in celebrating National Animal Shelter Appreciation Week during the first week of November this year.

## AMERICAN LEADERSHIP IN GOLF CLUB MANUFACTURING NEEDS FAIRNESS IN NEW TRADE REGULATIONS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. CUNNINGHAM. Mr. Speaker, golf was not invented in the United States. But the United States leads the world in the manufacturing of quality golf clubs. Golfers know that most of these manufacturers are headquartered in California, predominantly in Carlsbad in my congressional district. They dominate this \$2 billion industry because they lead in research and development of new materials that improve the performance, durability, and appearance of golf clubs. Major American investment have been made in the research, development, design, and manufacture of golf clubs, components, and their materials.

To remain competitive, these companies at times source components, such as golf club heads, offshore. Their high-paying research and design and final manufacturing operations remain here in the United States. Modern quality domestic golf clubs undergo precision operations involving many skilled U.S. technicians, using leading edge assembly and test equipment here in the United States.

Unfortunately, the prosperity of American employer is threatened and disrupted by country of origin marking rules and regulations. These have been adopted and proposed by the U.S. Customs Service. They include the NAFTA marking regulations, the proposed marking regulations, and ultimately the Uruguay round country of origin changes scheduled for implementation in several years. The U.S. golf club industry has been able to cope with U.S. Customs regulations prior to implementation of the NAFTA marking rules. But the new country of origin marking requirements have become real trade and economic barriers. Contrary to their stated purpose, the new requirements are less understandable, more subjective, and more burdensome than previous marking requirements.

The marking problems can be resolved by recognizing that the process of final manufacturing of golf clubs in the United States is

clearly a substantial transformation. Unlike golf clubs of the past, the final manufacturing of modern golf clubs is a high-precision, multi-step process by skilled U.S. technicians requiring significant attention to detail. They use laser guided equipment and highly sensitive scales to determine the weights of individual components and final clubs. Any slight variance causes the rejection of a club that does not meet company of industry swingweight standards.

The U.S. golf club manufacturing industry is a significant domestic employer that deserves to be treated fairly by trade laws. New and proposed country of origin marking requirements simply fail to recognize the technological progress this industry has made, at the demand of golfers everywhere. By enacting legislation that reflects current industry practices, we restore trade fairness to the U.S. golf club industry, preserve good American jobs, and enhance our trade competitiveness.

## GOVERNMENT-SPONSORED ENTERPRISE PRIVATIZATION ACT OF 1996

SPEECH OF

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 24, 1996*

Mr. WILLIAMS. Mr. Speaker, I rise in support of H.R. 1720 to privatize the Student Loan Marketing Association—Sallie Mae—and the College Construction Loan Insurance Association—Connie Lee—and am pleased to see this bill finally coming up for floor consideration. I understand that privatization language may also be included in the CR, and I hope we can do all we can to ensure the enactment of this legislation this year.

As my colleagues know, the bill in front of us today was part of the Careers Act that passed this House more than a year ago. Unfortunately, that legislation was weighed down in conference by repeated objections from the far right, and I'm somewhat disappointed that after more than 2 years, this is all that can be salvaged.

The time to privatize Sallie Mae and Connie Lee has come. There is little doubt that both of these Government-sponsored enterprises have fulfilled their intended purpose, and no longer need Federal subsidies to support the secondary loan market. Back in 1972, when Sallie Mae was established, there was a need to generate capital in the student loan market. However, there are now more than 45 different participants in the secondary market, and it makes sense for the Government to reduce the burden on taxpayers by releasing these entities from governmental control. Both Sallie Mae and Connie Lee want to be privatized and have spent many hours negotiating with us to make this separation a reality.

I urge my colleagues to support privatization on this bill or any other legislation that may contain it.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

H.R. 1720 also contains provisions establishing the Library Services and Technology Act. This authority creates a new Institute for Museum and Library Services that will integrate our Federal library and museum programs to consolidate funds and promote increased cooperation between libraries and museums across the Nation. This new partnership will focus funds on assisting libraries in acquiring new technologies and increasing access to library services for individuals with special needs, including children. This new merger was developed in cooperation with, and strongly supported by, the American Library Association, the U.S. Commission on Libraries and Information Science, and the Institute of Museum Services.

#### THE LOOMING THREAT OF BROWN CITRUS APHID

HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. MILLER of Florida. Mr. Speaker, last fall, an unwanted invader landed in Broward and Dade Counties in south Florida. An infestation was quickly identified and confirmed by the U.S. Department of Agriculture's Animal and Plant Health Inspection Service: the brown citrus aphid has arrived in the United States.

The brown citrus aphid is a very effective host and transmitter of the dreaded citrus tristeza virus [CTV]. The combination of the aphid and the CTV virus have devastated citrus groves across the globe—according to the National Citrus Research Council, CTV has killed over 40 million trees worldwide. Certain types of rootstocks of trees are particularly vulnerable, and are wiped out by virulent strains of CTV. For example, the popular sour orange tree stock is no longer viable in South America because of the citrus tristeza virus. More resilient rootstocks don't die, but suffer from stem pitting. Sadly, thus far the most resistant breeds have succumbed to another disease, citrus blight.

After wiping out Brazilian and Argentine groves in the 1930's and 1940's, the brown citrus aphid and the CTV virus began an inexorable march northward. Outbreaks in Venezuela over the past 15 years have hampered their production, killing over 80 percent of their trees from 1980–87. In 1989, the brown citrus aphid was spotted in Costa Rica, and in Jamaica in 1993.

Obviously, the deadly combination of the aphid and CTV pose a serious threat to the U.S. citrus industry and the national economy. There are over 1.2 million acres of citrus in the United States, and the citrus industry exceeds over \$19 billion in gross revenue. The U.S. Government and the citrus industry need to combat this threat on three fronts: First, gain a better understanding of the different strains of CTV and their relationship with the brown citrus aphid; second, develop more resistant rootstocks; and third, develop and embark upon a comprehensive control strategy. Citrus tristeza virus and the brown citrus aphid will not go away, but with early identification and action we can limit the damage of this scourge.

#### TRIBUTE TO THE 85TH ANNIVERSARY OF THE FOUNDING OF THE REPUBLIC OF CHINA

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. SCARBOROUGH, Mr. Speaker, I rise today to pay tribute to a beacon of freedom on the far shores of the Pacific. A nation that has, in its own way and in its own part of the world, come to symbolize freedom and defiance of tyranny much in the same way that our own Nation has come to be seen as a city of hope. The many twists and turns of history have obscured it, but when 85 years ago the forces of Dr. Sun Yat-sen's Koumintang triumphed over the decrepit and decaying Ch'ing dynasty, a whole new epoch in the history of not only China, but Asia itself, began.

Mr. Speaker viewed through the prism of this turbulent and terrible century, the establishment of the Republic of China can be seen for the significance it held. Few are alive today who can remember the importance that the United States attached to the revolution that brought the Republic to power. For our Nation, it was proof that China was committed to establishing itself as a free and great nation, in partnership with the other democracies of the world. From the founding of the Republic, a practical, at times difficult, but ultimately sturdy relationship was built between the United States and China, a relationship that has endured through two world wars, a second Chinese revolution whose outcome was not as hopeful as the first, and the vicissitudes of the cold war.

It does no dishonor to the Republic whose establishment I pay tribute to today to note that, sadly, the first half of the Republic's history did not live up to expectations. Dr. Sun Yat-sen proclaimed for his supporters a unique blend of confucianism and Western nationalism that promised a new dawn of democracy for China, and that today has underwritten the Republic's prosperity. Unfortunately, at the time that philosophy was put to the test during democracy's darkest hour. In 1914, just several years after the founding of the republic and the premature death of its founder, World War I began and China saw itself used as a battlefield by foreign powers. Then came the Second World War and an even more trying time for the people of China, who now found themselves caught in both a bloody international war and a civil war. Finally, there came the defeat of the Axis Powers, only to see the rise of an even more monstrous tyranny led by a megalomaniacal madman, Mao Zedong.

By the unfortunate happenstance of history. By an unhappy turn of events. By an inexorable tide that only in the 1980's began to recede, the Communists triumphed, drove the nationalists to an island then called Formosa, and today we refer to the Republic as the Republic of China on Taiwan. I submit, however, Mr. Speaker, that such an appellation is a temporary aberration. The tyrants in what is called in appropriate Orwellian parlance, the People's Republic of China, are living on borrowed time. The so-called People's Republic is a corpse that does not yet know enough to fall down.

We hear today in all the learned journals that China is the superpower of the future.

Well it is, but not that China. Beijing lives on the belief that economic prosperity is the key to the preservation of the regime. The Communists lay claim to a false god to which no one any longer bows, and sit atop the powderkeg, hoping to keep the economic engine going in order to save the regime. That is a fools gamble, and all right thinkers know that the future lay across the Straits of Taiwan.

On that island there is also prosperity—wealth that would have seen unimaginable but 30 years ago. Indeed, the second half of the Republic's history has been marked by prosperity and freedom unlike almost anything known anywhere but in a few fortunate corners of Asia. Yet that is not what makes the regime in Taipei great and insures its longevity. Wealth is merely the reward. The Republic survives, and will endure, not because it can make radios, VCR's, and MTV entertainment, but because it is founded on human dignity, on liberty in law, and on honor. Economic prosperity is ephemeral. It cannot last forever. Sooner or later the lean times must come, and when they do, Beijing will come crashing down, while the Republic, a government that is truly a people's Republic, will endure.

So, Mr. Speaker, I congratulate President Lee Teng-hui, the first elected leader in Chinese history, and the 21 million hard-working men and women of the Republic of China, who stand as a stirring example of courage, hard work and dedication. They prove by their exertions the triumph of the human spirit. So, on the 85th anniversary of the founding of the Republic of China, Mr. Speaker, I pay tribute to this lamp of liberty across the sea. I encourage our Government to similarly pay tribute by granting to the Republic that which it has earned, representation among the nations of the world at the United Nations Organization, and I am sure I speak for all of my colleagues when I say that we salute this brave and honorable government and its people.

#### 30TH ANNIVERSARY OF THE ARAPAHOE LIBRARY DISTRICT

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. HEFLEY. Mr. Speaker, the first amendment of the Constitution guarantees citizens the right to the free flow of information—and it is our country's libraries that provides the public with access to such information.

Libraries also serve as community meeting places for events and public forums. Groups of folks can gather and share ideas at libraries.

Since 1966 the Arapahoe Library District in my home State of Colorado has provided library services to residents of all ages—from pre-school children to senior adults—and it has supplied communities with endless information through books, periodicals, newspapers, recordings, and on-line internet searches.

Public libraries are the backbones of close-knit communities—and the Arapahoe Library District of Colorado is to be highly commended for 30 years of service to its State and to its neighborhoods. I would like to offer my hearty congratulations to this fine organization for their actions to create and support a well-informed populace.

## TRIBUTE TO MONSANTO CO.

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. TALENT. Mr. Speaker, I rise today in recognition of Monsanto Co. of St. Louis, MO. Awarded the first National Watershed Award, Monsanto was honored for Operation Greenstripe, a voluntary partnership to protect the quality of America's watersheds.

Developed in 1992, Operation Greenstripe combats the problem of surface water runoff of soil sediment, the No. 1 threat to stream quality in the United States. Monsanto works with the students in Future Farmers of America [FFA] to encourage farmers to plant and maintain grassy buffer strips along waterways. Seed retailers join the partnership and donate wildlife-compatible grass seed for farmers to plant to lessen runoff and nurture wildlife habitat areas. The result has been to encourage farmers to adopt stream-protecting practices, teach future farmers the benefits of good stewardship, and to begin to make a difference in stream quality.

Since its inception, the program has been expanded from 1 test location, to acceptance in 14 States with partnerships involving State and Federal agencies and with support from organizations and private groups. It's an excellent example of a voluntary, private initiative that makes a difference.

The Watershed Award was established by CF Industries and is administered by the Conservation Fund. The award is given to those programs that safeguard fresh water through innovative, nonregulatory methods. It is truly an honor for Monsanto to be included in the first group of those recognized for their efforts to protect one of our Nation's greatest natural resources.

Mr. Speaker, I hope you will join me in congratulating Monsanto on winning the Watershed Award and for their outstanding efforts to improve the quality of our Nation's waterways.

## EPA'S CLUSTER RULE

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. BISHOP. Mr. Speaker, the EPA's proposed cluster rule for the pulp and paper industry is something we in Congress need to take a look at. First proposed in 1993, it was the first time the EPA had ever attempted to cluster an air and a water rule for the same industry. The theory was that regulatory synergies could be achieved and a duplication could be avoided if the regulatory decisions were made together. It was a good idea, and even the industry supports the concept.

Unfortunately, however, as is too often the case, theory and practice did not coincide. Instead of providing regulatory synergy, the cluster rule simply burdened industry and its workers with separate rules with nearly identical compliance deadlines. Some requirements of one rule would have created compliance problems with the other rule. And the rule would have had a devastating impact on the industry. Over 100,000 jobs would have

been affected by the rule, and the compliance costs would have exceeded \$11 billion.

The pulp and paper industry is very important to my district and my State of Georgia. According to the information compiled by the American Forest & Paper Association, the pulp and paper industry employ 33,000 people in Georgia, with another 38,000 workers in the forestry, lumber, and wood products sectors. Total payroll for this combined industry in Georgia is over \$2 billion. Over 200 facilities in Georgia manufacture 7 million tons of paper and paperboard annually, with a value of \$7½ billion.

I am pleased to report that since 1993, the industry and EPA have worked closely together to gather new information to fill data gaps in the Agency's information profile for the industry. The industry proposed an alternative compliance scheme which has comparable environmental benefits as the one proposed by EPA but at far less cost. EPA also worked closely with other stakeholders in the rule-making process and in July of this year, published in the Federal Register a new notice for the cluster rule. In this notice, EPA acknowledges its receipt of the industry's alternative and outlines the choices it is facing. In August, I joined my colleagues in Georgia in encouraging EPA to adopt option A in the July notice. We also encouraged EPA to allow more flexibility in the best management practices [EMP's] provision and to modify the incentives program to make it truly meaningful. I remain cautiously optimistic that EPA will do the right thing.

I thank the EPA for its willingness to work with the industry, their workers, and other stakeholders, in making changes to the rule-making procedure. If successful, the outcome of the cluster rule could serve as a model for future regulatory reform efforts.

TWO GRATUITOUS AND  
PROMINENTLY PUBLIC CRUELITIES

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. JACOBS. Mr. Speaker, the world can note that on September 26, 1996, two gratuitous and prominently public cruelties were perpetrated, one in Los Angeles, CA and the other in Washington, DC.

The first was a patently false and despicable allegation against a decent and grieving father. The second was a putridly partisan and singularly cruel hurt to the family of an already convicted and currently imprisoned former Member of the House. The theory in the second unkindness seems to be, "never hit a man when he's up."

Let the record show that high Federal officials of both parties have been convicted of felonies. And in the case of one high Federal official who was not convicted, only because he was pardoned by the President he hand-picked to succeed himself, the assertion by his allies was, "He has suffered enough"—suffered enough without serving so much as a day in prison.

Our colleague from Connecticut is to be commended for having the decency demonstrably to remove from the easel in the Well of the House the device by which salt was callously rubbed into the wound.

## TRIBUTE TO GREG RICE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, Greg Rice has won the International Auctioneers Championship; and,

Whereas, Greg Rice has brought the international title to Ohio for the first time in history; and,

Whereas, Greg Rice has demonstrated a steadfast commitment to auctioneering;

Whereas, Greg Rice should be recognized for his outstanding victory and persistence; and,

*Be it resolved*, the residents of Coshocton, with a real sense of pleasure and pride, join me in commending Greg Rice for his hard work and dedication to his occupation.

FIFTH ANNIVERSARY, EAST  
TIMOR DILI MASSACRE

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. DELLUMS. Mr. Speaker, I rise to address conditions in East Timor. November 12 will mark the fifth anniversary of the massacre at Santa Cruz cemetery, when Indonesian troops fired on a gathering of thousands of innocent people. A distinguished Californian, Bishop Melvin Talbert, presiding bishop of the California Nevada Annual Conference of the United Methodist Church and also the President of the National Council of Churches, has written a statement in connection with these events. It is my belief that the Congress should be vigilant during this crucial period in East Timor and Indonesia, and lend what weight we have to efforts to foster justice in these areas.

I take this opportunity to share Bishop Melvin G. Talbert's comments, "Remembering East Timor" with my distinguished colleagues:

For some time I have been concerned about the tragedy in the former Portuguese colony of East Timor. On November 12, 1996, it will be 5 years since Indonesian troops opened fire on peaceful East Timorese mourners and demonstrators at Sana Cruz cemetery in the East Timor capital of Dili, killing more than 250 innocent people. The Santa Cruz massacre drew considerable international attention to the plight of East Timor. As the fifth anniversary of this event approaches, we should bear in mind the conclusions of the United Nations special rapporteur on extrajudicial, summary, or arbitrary executions, Mr. Bacre Waly Ndiaye of Senegal. His report, based on a visit to the area, issued on November 1, 1994, remains relevant today and should be heeded by the international community, especially the United States. Among other things, Mr. Bacre concluded that "conditions that allowed the Santa Cruz killings to take place are still present."

"I strongly believe that the United States must use its influence with the Indonesian Government to prevent violence in East Timor, especially in light of the history of the conflict: Congressional testimony by State Department officials have made it clear that roughly 90

percent of the military equipment available to the Indonesian Armed Forces when they invaded East Timor in 1975 had been supplied by the United States. Shipments of American weaponry were stepped up in the later 1970's, when as much as a third of East Timor's population of less than 700,000 perished as a result of Indonesian military action. The Clinton administration put restrictions in 1994 on the transfer to Indonesia of certain small arms that could be used in places like East Timor and in recent weeks, has also placed restrictions on the transfer of armored personnel carriers. These are welcome steps but they can never erase the earlier history, in which American diplomacy and arms played a significant role in making the East Timor tragedy possible.

"The United States therefore has a special responsibility to help protect the East Timorese people in the 1990's. The world must be particularly vigilant as the fifth anniversary of the Santa Cruz massacre approaches. The United States must also be alert to opportunities to support East Timor's international law and democratic principles. The continued denial of these rights led to the Santa Cruz tragedy in 1991 and is the root of the sorry situation that exists at present. In addition to taking diplomatic action to protect the people of East Timor from further violence, the United States must do whatever is possible to foster an authentic, peaceful solution to the conflict that is based on the wishes of the East Timorese people themselves."

#### INDIA DENIES RELIGIOUS FREEDOM

HON. RANDY "DUKE" CUNNINGHAM  
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. CUNNINGHAM. Mr. Speaker, an editorial from the March 1996 issue of the Sikh Review was recently brought to my attention. This editorial details reports showing India's ongoing efforts to crush the Sikh religion. In India the Sikhs and other religious minorities are subjected to the same brutal policies.

The article, which I will introduce into the RECORD, discusses the Indian regime's effort to "normalize" the Sikh people. That is, as the article puts it, "a term that has become a euphemism for destroying their culture and lifestyle, in cynical disregard of the democratic principles of plurality and coexistence." This kind of ethnic cleansing was our justification for our involvement in the Bosnian conflict. Why are we continuing to look the other way when India is involved?

I am introducing the March 1996 editorial from the Sikh Review into the RECORD.

#### A DANGEROUS SLANT

This is not a parable. Recently, a group of distinguished intellectuals, motivated by ordinary humanity, wrote to the President of India pleading for the release of several hundred Sikh youth detained without trial for as long as ten years. The silence in Rashtrapati Bhavan was deafening. In disgust, the memorandum was released to the Press coinciding with Human Rights Day, Dec. 11, 1995. The effect was even more silence.

Silence has its uses in statecraft. As the Indian poet, Vikram Seth has said: "Ten hostages is terrorism; A million, and it's stratagem" (*The Golden Gate*).

Prolonged detention of the Sikhs is part of strategy. Nazi Germany had another name for it: The Final Solution.

How many of us have noticed that the government tourism department has, for over a decade, withdrawn all pictures and posters of the Golden Temple? Airport lounges, railway station waiting rooms, secretariat corridors, coaches of Rajdhani Express, even ante-rooms of Indian embassies abroad are singularly bereft of pictures of Sikh historical places. The model of the Golden Temple at Amritsar's rail terminal was smashed by Hindu zealots many years ago. This is apparently a part of the deep seated strategy to downplay the Sikh religion and culture. Those who attended the Vishwa Sikh Sammelan in Amritsar were struck by the weird black-*patka*-wearing commandos of the Punjab police crawling all over the holy city, not because India's textile mills have stopped manufacturing cloth for turbans—the ceremonial headgear!

In this grim strategy, the Press—vernacular as well as English—has become a willing tool of the government. Their method is simple: Do not project the Sikh in a positive light. Exaggerate every minor fracas. Underplay the Sikh identity. Depict the *patit* Sikh on the idiot box as the stereotype. Boost the un-Sikh practices. Highlight factional fights over gurdwaras. Deny *kirpan*-wearing passengers seats in airlines and railways. The list seems endless.

Thanks to economic liberalization, NRI is an honoured guest in India, a sort of prodigal son. Not so the Sikh NRI. He is earmarked by the Indian Embassies in the West for special treatment. No wonder so many of them dropped out of the Amritsar conference. The other day an Indian businessman was denied visa by Saudi Arabia to visit Riyadh on the ground that he professes Sikh religion. Government cannot be bothered with such petty aberrations. Constitutional guarantees are, after all, so much paper.

The press in India, in most cases, owned by ultra-conservative Hindu businessmen often suffers from an overbearing sense of self-righteousness where the Sikh minority is concerned; How dare the Sikhs claim an independent religious identity? They must be taught a lesson. Simply brand them anti-national! No wonder these newspapers are natural allies of government and its gargantuan power machine. One good turn begets another. Unburdened by moral scruples, the newspapers lend all support to the government to undermine Sikh values.

We give, in this issue, a few instances of this insensitive attitude of the national Dailies, The Tribune, Chandigarh. The Hindustan Times, New Delhi and The Statesman, Calcutta. The malady has, however, become chronic and endemic. Readers will surely recall the disdainful manner in which the newly elected Parliament under Rajiv Gandhi on Jan 2, 1985 ignored the massacre of Sikhs in Delhi even as it mourned the dead of the Bhopal gas tragedy. Election posters of the party in power had then depicted the Sikh taxi driver as a potential terrorist—ignoring his reputation for honesty and bravery. Even the cartoonist Abu Abraham had, more in malice than satirical humour, made a caricature of a saintly Sikh holding a transistor bomb. The Doordarshan, which had blacked out the savagery of Oct. 1984 as a non-event, let its cameras linger balefully over the victims of transistor bombs which shadowy anti-socials had planted in Delhi bazars. When The Telegraph published, on May 5, 1986, a photo of a Sikh youth in police custody the caption proclaimed: "A terrorist being taken away", ignoring the elementary rule that no one can be so labelled except when convicted by due process. We had written to the Editor, Mr. M.J. Akbar, who did us

the courtesy of a reply: "I accept your point. In fact, I had pointed out the error to our (The Telegraph) people. I hope you understand that there was not deliberate malice."

More recently, The Times of India was less penitent. It published on April 12, 1995, a report that the house of union home minister, Mr. S.B. Chavan, in Nanded had been "attacked by five men, four of them Sikhs." The ever-vigilant Rear Admiral (Retd.) Satyindra Singh lodged a protest with Press Council of India which drew the Times Editor's attention to the council "Guidelines" that the Press must avoid identifying the community of a person involved in crime. The newspaper took more than six months to publish a luke warm apology on Dec. 6, 1995. This is typical of a newspaper that had been known for its anti-Sikh slant dating back to Girilal Jain's vituperative writings that included his editorial "De-turbaning of Sikhs" in 1982.

As a minority religion, Sikhs have been under fierce pressure from the media and their mentor, the government. Far from showing an understanding and sympathy for their religious and cultural tradition, they have vowed to "to mainstream" the Sikhs—a term that has become a euphemism for destroying their culture and lifestyle, in cynical disregard of the democratic principles of plurality and co-existence.

Sikhs have no doubt survived challenges down the centuries. However, the ongoing challenge is far more insidious. It calls for what Guru Gobind Singh termed *Gyaneh-ki-badhni*, the scythe (sword) of wisdom. Our choice is clear. Let us stand up—not succumb—to the hostile machinations. Let us not abandon God and the Guru for the glittery tinsel of a modern state. Let us hold our head high in honour. Five hundred years ago Guru Nanak admonished the tyrannical rulers "Koorh phire pardhan, ve Lalo". The German philosopher, Emmanuel Kant later predicted that eventually a just world order would come about either through intellectual and moral insights or through the experience of chaos. Unless Indian polity makes the right choice, its slide into chaos is but a matter of time.

#### TRIBUTE TO JERRY WATERS

HON. PAT ROBERTS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. ROBERTS. Mr. Speaker, yesterday in the Senate Foreign Relations room in our U.S. Capitol, I joined the many friends and colleagues of Dr. Jerry Waters in paying tribute to an outstanding public servant and to wish him well upon his retirement.

Jerry Waters, a native of St. Francis, KS, first came to Washington to work for Senator Jim Pearson. Prior to coming to our Nation's Capital, Jerry was a political science professor at Kansas State University. Jerry came to Washington with the intent of staying but 1 year but his devotion to and performance of duty was such that he stayed to his State's and Nation's benefit.

Serving as administrative assistant to Jim Pearson, Jerry was responsible for hiring quality staff and one such staffer was the daughter of our former Governor and Kansas political legend, Alf Landon. Yes, we can thank Jerry Waters, in part, for Senator NANCY KASSEBAUM's outstanding service. Another former Waters' staffer is the current Secretary of Agriculture, Dan Glickman.

In his capacity as administrative assistant, Jerry played a key role in ensuring that agricultural policy was commensurate with the needs of both Kansas and our Nation's farmers. During this time, Dr. Jerry Waters became a recognized expert in agriculture and transportation public policy.

After Senator Pearson retired, Jerry moved to the private sector as a consultant and has worked for the farmer-owned Farmland Industries System representing them and the farmers and consumers they serve in Washington. His expertise has resulted in sound agricultural policy accomplishment.

Part of the reason that Dr. Jerry Waters has achieved significant success in our Nation's capital has been the fact he has never lost touch with Kansas. Some 30 years after coming to Washington, he still owns a farm in his hometown of St. Francis.

Mr. Speaker, I also speak for many, many colleagues and friends—people who have in their own right achieved success in Washington in saying that we have been fortunate to have had Jerry as a mentor, advisor, and friend. I am reminded of the true adage that there are no self made men and women in public service, that it is your friends who make you what you are. In this regard, Jerry Waters is a man who has always kept his word and whose integrity and keen sense of purpose have been an example to us all. He is a man of great institutional memory and knowledge buttressed by his love and respect for the Congress and the people we serve.

On a personal note, Mr. Speaker, Jerry has been a close friend whose advice I have always solicited and from which I have always benefitted. I shall always remember with fondness and a sense of accomplishment the days when Jerry, Bill Kats of then-Congressman Bob Dole's office, Lester Rosen, of Congressman Garner Shriver's office and Charles Freburg of Congressman Mize's office and myself in Senator Frank Carlson's office, were the Kansas delegation administrative assistants.

Jerry showed me the ropes just as he has for so many others in government, in academia, in the business community and in public service. He remains one of my dearest, longtime friends. I speak for all of his friends and colleagues in wishing he and Jan the very best during their retirement years.

#### SUSTAINABLE DEVELOPMENT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. YOUNG of Alaska. Mr. Speaker, sustainable development is a catch phrase that is heard a lot in Washington, DC, these days. This is a resource management concept which recognizes that renewable resources can be harvested without endangering long-term survival of the resource.

While the concept is gaining support in this country and in Congress, there are still those who resist the sustainable harvest of some of our resources.

Another concept discussed a lot in management debates is wise-use. This concept is closely related to the idea of sustainable development. Proponents of the wise-use move-

ment argue that resources of a nation can and should be used for the benefit of the nation and its people.

In order for our renewable natural resources to be managed for long-term sustainability, it is important to have three things: Good data, good science to interpret the data for making sound decisions, and good management and enforcement. Without any of these three, the long-term viability of the resource may be compromised.

The U.S. Congress is currently working to reauthorize the Magnuson Fishery Conservation and Management Act, the law which governs domestic fisheries. It is important, not only for the health of the resource, but also for the health of the commercial fishing industry and coastal fishing communities, to manage the Nation's fishery resources for the long term.

In recent years, the United States has experienced resource depletions in some fisheries, the most recent and most reported on is the situation with New England groundfish stocks. The cause of this resource depletion may be a number of things including loss of habitat, overfishing, increased predation, or changes in temperature and climate.

Fishery resources are vitally important to many regions of the country and the protection of the stocks is important to keeping many coastal communities alive. The Magnuson Fishery Conservation and Management Act tries to maintain the balance of allowing the sustained harvest of our fishery resources as well as protecting the stocks from overfishing. These concepts are transferrable to other renewable natural resources; however, other domestic resource laws do not always recognize that development and conservation can coexist.

In the United States, bowhead whales are harvested by Alaskan Natives for subsistence purposes at a sustainable level. Care is taken to determine the population of the stocks being harvested, the level of acceptable harvest is carefully determined, and rigorous monitoring and enforcement measures are followed. The villages which participate in the hunt for the bowhead must and do continue to remain concerned about the long-term health of the stocks and treat the resource with the respect it requires.

This combination of good data, careful scientific use of the data, and rigorous monitoring have allowed the sustainable harvest for subsistence purposes for these Alaskan Natives in the same manner that has allowed fishermen to harvest fishery resources in most areas of the country without harming the long-term health of the resource.

The United States is working internationally to ensure the sustained development of marine fishery resources. An International Conference on the Sustainable Contribution of Fisheries to Food Security was held December 4-9, 1995 in Kyoto, Japan. The international delegates of this conference promoted the enhancement of subregional and regional cooperation in establishing conversation and management measures to protect marine fishery resources.

This conference followed up on concerns and ideas discussed at the 27th session of the Food and Agriculture Organization [FAO] held in November 1993 and detailed in the U.N. Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks in December

1995. The sustainable development of fishery resources will again be discussed this coming November at the world food summit which is being convened by the FAO of the United Nations.

The marine fishery resources of the United States and the world will obtain the protections they need when the United States and the international community work together to develop conservation and management measures that allow marine fishery resources to be harvested at a sustainable levels. Moreover, these sustainable harvest levels will also sustain the livelihoods of those individual dependent on marine fishery resources.

#### DEDICATION TO HON. RAY THORNTON

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. PACKARD. Mr. Speaker, I want to take this time to honor a dear friend and colleague of mine, RAY THORNTON. RAY will be leaving this body soon and before he goes, his dedication and fellowship deserves high praise. As chairman of the Legislative Branch Subcommittee on Appropriations, I would like to thank him for his assistance as ranking member.

RAY assumed the ranking member position this year with great enthusiasm and skill. I appreciated his input as well as his willingness to work in a friendly and bipartisan way. Together we accomplished a great deal. To date, the legislative branch is a full 12-percent leaner than it was 2 years ago and serves as the model for rightsizing the rest of Government.

RAY contributed tremendously to this effort. He supported and advanced our efforts to find additional opportunities to save dollars and increase efficiencies here in the legislative branch.

The legislative branch spending bill is primarily about people. RAY's administrative background, as a former University of Arkansas president, proved invaluable. As RAY and I worked together to rightsize this institution, time again he brought his management orientation to task.

Unfortunately, we may be losing RAY to another branch of government as he works to assume a judgeship on the Arkansas Supreme Court. His dedication and enormous talents will certainly continue to prove beneficial to the people of Arkansas. While I wish RAY well in his future endeavors, I will miss him as my colleague here in the House and on my subcommittee.

#### TRIBUTE TO MAGGIE KILDEE

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Ms. LOFGREN. Mr. Speaker, I would like to take this opportunity to pay tribute to Maggie Kildee on the occasion of her impending retirement from the County of Ventura Board of Supervisors.

Supervisor Kildee is a native of California and a graduate of the University of Redlands

with a B.A. in education. She received her M.A. degree in public administration from California Lutheran University. Before her election to the Board of Supervisors, she was a teacher and an administrator with the Pleasant Valley School District.

First elected to the Ventura County Board of Supervisors in November 1980, Supervisor Kildee was one of the first two women elected to the Board and in 1982 served as its first woman chairperson.

Supervisor Maggie Kildee's leadership contributed to a number of important developments within Ventura County. Her various programs included the County's Greenbelt Agreements between cities, the first-in-the-state Agricultural Lands Preservation Program, the Ventura County Council on Economic Vitality, and the "Beyond the Year 2000 Committee". She also served as the chair for numerous committees such as the Ventura County Medical Center Oversight Committee, the Ventura County Jail Ad-Hoc Committee, and the Ventura County Waste Commission.

As the end of her term draws near, I would like to extend my gratitude and appreciation to Maggie Kildee for her dedication to both the County of Ventura, CA, and the Board of Supervisors.

#### TRIBUTE TO MIKE RHODE, JR.

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. SKEEN. Mr. Speaker, I rise today to note the passing of and to pay tribute to Michael Rhode, Jr., of South Carolina.

Mike Rhode died earlier this year, in May, after a brave bout with cancer, only too briefly after he retired from his position as Secretary of the Panama Canal Commission. His wife, Lin, worked in my congressional office from 1981 until her retirement in 1995.

Mike Rhode was a close and valuable friend and a talented and dedicated public servant. He and Lin planned for an early retirement to spend more time with his daughter, Pamela Lister, and two sons, Michael and Randy.

Mike Rhode served as chief of the U.S. Army's Senate Legislative Liaison Office in the 1970's. His combat experience in Korea and Vietnam was of major help to the Members of Congress he worked with on his travels to Southeast Asia. Mike was extremely knowledgeable on issues affecting our country's membership to the North Atlantic Treaty Organization [NATO].

After 26 years of distinguished and dedicated service to our country in the Army, Mike retired to take the position of Secretary of the Panama Canal Commission in 1980. Mike was extraordinarily helpful to me and several Members of Congress in his position with the Panama Canal Commission. He was successful in explaining and analyzing proposed legislation and to suggest ways in which the laws governing the operation and maintenance of the Panama Canal could be modified over the years to ease the transition to Panamanian control by the year 2000.

Mike Rhode will be remembered by his family and friends for living a distinguished life on behalf of his family and our country. My thoughts and prayers remain with his family

and friends on his passing. He will be sorely missed by us all.

#### INTRODUCTION OF THE REHABILITATION AND RETURN TO WORK OPPORTUNITY ACT OF 1996

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. BUNNING of Kentucky. Mr. Speaker, today, in behalf of myself, ANDY JACOBS, CLAY SHAW, and other members of the Ways and Means Committee on both sides of the aisle, I am introducing the Rehabilitation and Return to Work Opportunity Act of 1996. This legislation will help Social Security and Supplemental Security Income disability recipients who want to work return to a life of financial independence and self-sufficiency.

We are all too familiar with the huge increases in the Social Security disability insurance and Supplemental Security Income disability rolls over the last decade. From 1986 to 1995 alone, the rolls grew almost 70 percent, to 7.5 million recipients. Unfortunately, there is no end to this alarming trend in sight. In fact, new disability awardees are, on average, becoming younger and younger. This means they will spend more of their lives dependent on Social Security or SSI unless Congress gives them the opportunity to obtain the tools and training they need to return to productive and self-sufficient lives.

The General Accounting Office recently reported that the Social Security Administration has placed little priority on helping disabled recipients return to productive employment. GAO found that SSA's rehabilitation programs don't focus on providing the support and assistance that many people with disabilities need to transition from the disability rolls back to work. In my view, SSA's record on rehabilitation is appalling.

Of the 6.6 million working-age people who were receiving Social Security or SSI benefits in 1995, only 4 percent were even referred for rehabilitation. Of these, only 6,238, or less than one-tenth of 1 percent, were successfully rehabilitated. This isn't fair to disabled recipients, who will otherwise face a life of dependency and denied opportunity. It is time we let Social Security and SSI recipients who are disabled know we care enough to invest in their future.

The Social Security Act requires that individuals applying for disability benefits be referred to State vocational rehabilitation agencies for services, but State agencies are reluctant to take on the more difficult cases. GAO estimates that if only an additional 1 percent of the 6.6 million working-age people receiving Social Security or SSI disability benefits were to leave the rolls by returning to work, an estimated \$3 billion could be saved in subsequent years.

Under my legislation, Social Security and SSI disability recipients would no longer be limited to using State vocational rehabilitation agencies for services, but would be able to choose whether to receive rehabilitation services from private, nonprofit, or State rehabilitation providers. Disabled recipients would, for the first time, have a broad choice of certified providers from whom they could receive the

rehabilitation services they need. It would be up to the individual with the disability to decide which rehabilitation provider best met his or her needs. The competition that would result would guarantee that persons with disabilities would be choosing from the highest quality services.

In addition, my bill would extend Medicare coverage for 5 years for disabled recipients who work, and Medicare would continue to be the primary insurer for employers with fewer than 100 employees. And employers who hire Social Security or SSI disability recipients would be eligible for a 1-year tax credit for the employer share of FICA taxes.

The legislation creates a commission of rehabilitation experts to oversee the implementation of a new outcome-based rehabilitation program designed to help recipients move from dependency to self-sufficiency. The program would create a competitive system utilizing networks of service providers; a straightforward incremental fee structure for providers that caps overall costs at certain milestones of service; criteria for SSA to contract out the administration of the new system; and a voucher-type system to maximize consumer choice and limit costs.

To ensure that disabled recipients receive the best quality services, the bill calls for standards, including review by consumer organizations, that rehabilitation providers must meet in order to serve Social Security or SSI disability recipients.

These are all features that persons with disabilities, rehabilitation providers, and small businesses agree are necessary for a successful return-to-work effort. I look forward to hearing comments from all of these constituencies so that in the next Congress we can take legislative action to provide real opportunity to persons with severe disabilities, enabling them to return to productive employment and self-sufficiency. I urge my colleagues on both sides of the aisle to join with me in this effort by supporting this legislation.

#### DYSTONIA AWARENESS WEEK

HON. ANDREA H. SEASTRAND

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mrs. SEASTRAND. Mr. Speaker, thousands of people recognize the week of September 28 to October 5 as Dystonia Awareness Week. I have learned and urge other citizens to learn about this alarming neurological disorder that affects as many as 250,000 people in North America.

Dystonia is a neurological disorder which creates muscle spasms to all parts of the body. The muscle spasms are very painful and sometimes disabling. Unfortunately the cause of Dystonia is unknown and there is no cure. The Dystonia Medical Research Foundation has been formed to help those who suffer from Dystonia, along with their families and friends in finding the cause and cure of this neurological disorder. As we help those who suffer from Dystonia I hope and pray that a cure will be found to put an end to this disabling pain.



## NEIGHBOR DAY

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. REED. Mr. Speaker, I rise today to urge my colleagues to support measures in their States to designate the Sunday before the Memorial Day Weekend each year as "Neighbor Day."

The neighborhoods we once knew as places of peace and harmony are now engaged in the fight against a rising tide of crime and violence. One of the saddest results of this increasing crime is that neighbors fear for their safety and become alienated from one another.

Four years ago, my constituents in Westerly, RI, came up with the idea of celebrating "Neighbor Day" as a way to reach out to one another, introduce themselves to new neighbors and renew old friendships. With parties and open house gatherings, Neighbor Day in Westerly gave people a sense of neighborhood pride and positive community spirit. Two years ago, the entire State celebrated this spirit of good will.

I believe that by celebrating "Neighbor Day" nationally, we can bring people closer together and overcome the atmosphere of fear and mistrust found too often in our neighborhoods. This effort is not solely confined to Rhode Island. Indeed, Boys Nation passed a resolution in July 1994 to make the Sunday before Memorial Day weekend each year "National Neighbor Day."

Mr. Speaker, I ask my colleagues to join me in this unique endeavor by supporting measures to create "Neighbor Day" in their States.

## OBSERVATIONS ON BOSNIA

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. HYDE. Mr. Speaker, please permit me to share with my colleagues the text of a report prepared by high school teacher Pat Feichter.

Pat, a teacher of American government at Maine South High School in Park Ridge, IL, recently returned from a humanitarian mission to Bosnia. He and other civics teachers from the United States and Western Europe organized and led seminars for Bosnians who teach government and civics.

The seminars, sponsored by the Center for Civic Education, are part of the center's ongoing mission—here at home and abroad—to advance our collective knowledge about the institutions of western-style democracy:

## OBSERVATIONS ON BOSNIA

When the Center for Civic Education asked me to volunteer to teach in Bosnia this summer, I jumped at the opportunity. Many people thought I was crazy, but I knew it would be a unique experience and one in which I could make a positive contribution in promoting democratic values.

As one enters Bosnia, it does not take long to experience destruction. Our seven hour bus trip to Sarajevo passed through dozens of war ravaged villages and towns. Some were selectively damaged, with only certain areas

felled by artillery shells, others were totally leveled. The once beautiful city of Mostar was one of the worst. Everywhere, in this Muslim-Croatian divided city, was evidence of war.

Sarajevo, once the proud host of the 1984 Winter Olympic Games, is a city of burnt-out hulks. Over 1,300,000 artillery shells have struck Sarajevo. The effects were extensive and devastating. The Holiday Inn, where we stayed while in Sarajevo, is still marked by the effects of war. There are elevators and guest rooms with bullet holes and a stairway being repaired from a direct artillery hit.

I was assigned to teach in the Canton of Travnik, 60 miles north of Sarajevo. I worked with one other American teacher from Minnesota and two Europeans, one from Germany and the other from Switzerland. This was the first time any of us had worked together. Flexibility and a willingness to compromise was a basic need. We were able to work together well.

Our class had thirty participants. These were teachers of Muslim, Croatian, and Serbian ancestry. We worked entirely through interpreters. Our facility was a Jesuit founded secondary school 114 years old.

Apprehension is the best way to describe our feelings going into this two week course. Would the class understand us? Would they like us? Would they be willing to participate in simulations and group projects? The answer to this was a resounding yes!

The Bosnian teachers, our students, were a joy to work with. They had a great sense of humor and an incredible interest in learning about democracy. Our mock trial and simulated election were two of the most popular activities. We became so close to members of our class that we were frequently invited to their apartments.

People often ask me if I was frightened being in Bosnia. The answer is no. As long as you use common sense, there was nothing to fear. I walked the streets of both Travnik and Sarajevo in the evenings without a worry. However, you could not plan picnics in the countryside. Landmines, as estimated 8 to 11 million, are a danger. You must stay on paved roads and sidewalks.

One of the saddest effects of the war is the huge number of refugees living in squalor. They have very little food to eat. One man showed me a small plate of goat cheese which was his only allotment of food for the day. These displaced people have in many cases been living in refugee centers for more than two years and often don't know where their loved ones are or even if they are alive. The most we could do for them was to offer clothes, some food, and a small amount of money.

Ethnic tensions do exist in Bosnia and are usually just below the surface. One evening on the streets of Travnik, I was approached by an irate group of Croatians. They were very upset because the person who selected the Bosnian teachers to attend our program was a Muslim. They were concerned about bias in the selection process. From time to time, we would hear stories about churches and mosques being bombed. Yes, ethnic tensions are a fact of life in Bosnia.

Would I return? In a heartbeat! Working with the Bosnian teachers was one of the most rewarding experiences of my life. In a small way I feel I may have helped further democracy and peace in this troubled land.

## HONORING MANUEL DE JESUS ALVARADO

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. PASTOR. Mr. Speaker, today I rise to honor the life of Manuel de Jesus Alvarado, a man who brought hope and laughter to all who knew him. His goodwill was contagious but he had a serious mission in life. Manny, as everyone knew him, was an educator and an activist. From his earliest days at the University of Arizona in Tucson, he worked aggressively to improve the educational and employment opportunities for minorities.

Manny's commitment to civil rights and educational activism is evidenced by the range and length of his community and volunteer work: Board of Directors for Southern Arizona Legal Aid—22 years; Tucson Dropout Prevention Collaborative—15 years. The list goes on.

Manny was often recognized for his immeasurable contributions. Among the awards he was most proud of were the Tucson Association for Bilingual Education Award, the Chicano Student Leader Award, the TUSD Dropout Prevention Award, the Pima Community College Award for Dedicated Service.

This award from Pima College best exemplifies his love for his work and his students as talent search program director at Pima Community College. His compassion and his enthusiasm found their outlet through this work with Tucson's youth. Manny recognized that many academically talented Hispanic and native American youth were not prepared to go on to college. Working through Pima College, Manny created the talent search program in 1988 to monitor junior high and high school students. Those students with academic potential were recruited and many have gone on to complete their college education.

Above all, Manny was a "doer". He created, built, and energized people, groups, and communities. Although Manny can never be replaced, the legacy he left is strong. He was a role model and achieved all the worthwhile things of life: a loving, close, and supportive family; devoted friends; the respect of the community; a meaningful life's work, the trust of his students; a deep and abiding faith in God.

Again, I would like to pay tribute to the lifetime of accomplishments of Manuel de Jesus Alvarado, and extend to his family, his wife, Theresa, his daughters Angela and Monica, and of his step-son, Fred Medina, my condolences on the loss of a great and honorable man.

## INTRODUCTION OF LEGISLATION

HON. WALTER B. JONES, JR.

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. JONES. Mr. Speaker, today I am reintroducing legislation to correct the unintended reclassification of pharmaceutical-grade, FDA-approved egg yolk phospholipid by the Harmonized Tariff Classification System [HTS]. HTS is a world-wide standardized classification of items for duty. The implementation

of HTS in 1988 was not supposed to change the duty on any item. However, unintentionally, HTS more than tripled the duty on this phospholipid, which is a unique component that must be imported by a North Carolina manufacturer.

Pharmacia is a U.S. company located in Clayton, NC. The main product Pharmacia manufactures is Intralipids, a unique intravenous feeding solution. Pharmacia must import a key Intralipid ingredient because it is made only by Pharmacia's parent in Sweden.

The duty on Pharmacia's phospholipid was set at 1.5 percent when Pharmacia began operations in North Carolina in the 1970's. Beginning in March 1991, the unintentional HTS reclassification of the phospholipid more than tripled this duty.

My legislation would return the rate on the phospholipid to 1.5 percent for the period from March 29, 1991 until January 1, 1995, when the duty for Pharmacia's phospholipid and other pharmaceutical components and products became zero under the GATT Agreement. The unintended duty increase that was paid in the interim, \$396,779.16, would be refunded.

Mr. Speaker, there has been no disagreement that the duty increase on Pharmacia's phospholipid was unintended. The issue is a matter of equity. Congress should be very concerned whenever a growing company like Pharmacia is unintentionally taxed without equitable redress. I hope that a way can be found very soon to enact the legislation necessary to correct the unintended duty the North Carolina company has paid.

#### AMERICAN WINE DELEGATION CONTRIBUTES TO IMPROVED UNITED STATES-CHINA TRADE DIALOG

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. RADANOVICH. Mr. Speaker, Government colleagues and friends in the United States wine industry, earlier this year, at the invitation of the People's Republic of China, the first official American delegation of viticulturists and enologists since 1949 completed a 2-week consultative tour of the Chinese wine industry.

The trip, under the sponsorship of the People to People Citizen Ambassador Program, has resulted in broadening the scope of business and market contacts in China and in identifying new opportunities for trade and joint venture activities.

As I was consulted during the planning stages of this trip, I was able to lend it my full support and would have joined the delegation had scheduling permitted.

The delegation report, I feel, will serve as a valuable source of information for anyone in the United States business community who is interested in doing business in China now or in the future.

I wish to commend the delegation, led by Gordon Murchie, president of the Vinifera Wine Growers Association, for its professionalism in representing our country in this important factfinding and trade relations trip.

It gives me great pleasure in making excerpts of the delegation's trip report a part of the CONGRESSIONAL RECORD:

#### WINE BUSINESS AND DIPLOMACY

China, a nation of 1.2 billion people, has a history of grape growing dating back to the Han Dynasty (121-136 BC) and of grape winemaking dating from the Tang Dynasty (618-907 AD). *Vitis Vinifera* wine production, however, is a more recent 20th-century innovation.

While only about one-fifth of China's current grape harvest is made into wine, the potential for wine production and consumption is enormous. Importing and exporting wine is gaining the attention of the newly emerging economic structures of China and foreign investors and partnerships. Both Chinese government and private-sector wine interests are eager to welcome and learn from American viticulture and enology techniques and methodologies.

Thus, with an invitation from the Government of the People's Republic of China and through the sponsorship of the Citizen Ambassador Program of People to People International, our Viticulture and Enology Delegation of one French and eleven American wine experts, representing all sectors of the wine industry, visited China, April 14 to 27, 1996.

This was the first official U.S. wine Delegation to travel to China since 1949. A previous Viticulture and Enology Delegation was cancelled the day before departure in June of 1989 due to the Tiananmen Square incident.

The mission of the Delegation was to meet with counterpart contacts at all levels of the Chinese wine industry; exchange information; discuss topics of mutual interest such as vineyard management, winemaking technology, viticulture-enology research and training, sales and marketing strategies, government regulatory oversight, foreign investment and joint venture opportunities, import and export potentials, and tariff rate issues; establish ongoing professional and business relationships; and, generally, assess the status of development and growth potential of the wine industry in the People's Republic of China.

The tip itinerary, which included site visits in Beijing, Tianjin, Yantai and Shanghai, provided the Delegation an opportunity to make contacts throughout the whole of the alcohol beverage industry in China. It included meeting the leadership of the PRC Government's oversight ministry, product control and distribution organizations, research and educational facilities, import and export companies, and visits to government, quasi-government, and joint venture wineries and distilleries, and farm vineyard sites.

As wine is truly an international language, the Delegation feels that an overall objective of the Citizen Ambassador Program to make friends and promote greater understanding among professional and concerned individuals internationally, in this case between the wine communities of the United States and the People's Republic of China, was in a good measure achieved.

The Delegation wishes to express its collective appreciation to all the American and Chinese organizations and individuals which contributed to the planning, arranging, conducting, hosting and support of what the Delegation views as a successful professional exchange experience for all concerned.

Our thanks go to the Citizen Ambassador Program People to People International, United States Congressman George P. Radanovich, His Excellency Li Daoyu, Ambassador of the People's Republic of China in Washington, D.C., the U.S. Embassy in Beijing, China National Council of Light Industry, China National Research Institute of Food & Fermentation Industries, China Na-

tional Cereals, Oils & Foodstuffs Import & Export Corp., the Tianjin, Yantai and Shanghai Foodstuffs Import & Export Corporations, Shanghai Sugar, Cigarette & Wine Corp., Beijing Agriculture University, Shanghai Academy of Agricultural Sciences, Beijing Pernod Ricard/Dragon Seal Winery, Tianjin Remy Martin/Dynasty Winery, Yantai Chang Yu Winery, Shanghai Remy Martin/Shenma Winery, Mr. Wang Kefa, Town Leader for Longkou vineyards (Penglai), Mr. Scott R. Reynolds, Director, U.S. Agricultural Trade Office, Shanghai, Mr. Peter Chang of Mandarin International Travel and his colleagues (program arrangers), Mr. Jiang in Yantai, Mr. Yan in Shanghai, and especially Mr. Zhao Ying Kong who was the Delegation's guide and mentor throughout the entire trip.

Finally, our special thanks go to Anita Murchie who recorded and maintained additional notes on all Delegation meetings and site visits, transcribed the hours of tapes, and typed and edited this 75-page journal report. The full report is available by contacting by VWGA, P.O. Box 10045, Alexandria, Virginia 22310.

#### DOING WINE BUSINESS IN CHINA

The following is a general list of pluses, minuses, and other considerations that any individual, winery, wine consortium or allied business interested in doing business in China should take into consideration.

They are not intended to be conclusive, but to serve as a basic check list to be used in developing any business strategy to establish trade, investment, joint venture and/or production and marketing relations with the People's Republic of China.

American Products have edge:

+Historical and cultural connections.

+Chinese view of U.S. on world stage is that it remains a major international economic and political power.

-Continuing political contentions between the U.S. and the PRC.

-Established and growing foreign competition.

Market potential is there (1.2 billion population):

+Western products and styles have appeal.

+Youth and young business classes are change-minded and looking for a more prosperous and comfortable life style.

+Whole nation is undergoing a building-construction boom, further promoting change. More wage earning employment is increasing public desire for more consumer goods.

-Established cultural identification with tastes of traditional products, i.e., sweeter, heavy bodied, high alcohol content and flavored wines.

-Higher prices and limited availability of foreign products.

Lessening of PRC government's monopoly control of distribution systems of major products, i.e., grains, oil, sugar and alcohol:

+Government entities are freer to establish direct business contacts with foreign companies.

+Small private sector businesses are present everywhere, adding a stimulus to the development of alternative distribution and marketing systems within the country.

-Government bureaucracy, out of date regulations, paperwork, etc.

Business and trade considerations:

Patience and long-term commitment are necessary.

Include overseas Chinese connection in PRC business arrangement.

Joint venture connection with government or government connected organization best for near future.

Establishment of dependable distribution and warehousing system is key.



Capital investment is offset by inexpensive labor costs.

Targeted advertising strategy is essential, building product identification and product appeal.

Networking international hotels and restaurants.

Developing wine expos and other public wine education/appreciation events.

Current alcohol beverage market:

Distilled spirits traditional, brandies and cognacs are king.

Beer is being brewed locally in all cities. Beer popularity and consumption is growing rapidly throughout the country.

Wine: Table grapes and vineyards for 6,000 yards. Wine grapes and wine for 2,000 years, but always in limited quantity. Rice, plum and other fruit flavored, sweet and heavy-bodied wines are traditional and remain popular. Late 1800s and early 1900s began foreign influence and production of European styled dry wines. 1892 Chang Yu Winery was the establishment of the first commercial plant in Yantai, China.

Bottom line: If there is money to be made by Chinese involved individuals and/or businesses in marketing and selling an American product (wine), success will eventually happen!

SUGGESTIONS FOR AN ONGOING DIALOG BETWEEN THE WINE INDUSTRIES OF THE PEOPLE'S REPUBLIC OF CHINA AND THE UNITED STATES

Plan and conduct a series of Chinese wine expos in several American cities with large Chinese populations. Hold trade and public wine tasting events to improve the marketing and sale of Chinese dry wines in the U.S.

Establish a cost sharing exchange program between the PRC and the U.S. agricultural universities and institutions for viticulturists and enologists—short term teaching, study and research grants.

Recommended American consultants for short working assignments with China's alcohol beverage industry:

1. Alcohol beverage trade association consultant.

2. Alcohol beverage consultant on warehousing, distribution systems and marketing strategies.

3. Consultant team from the U.S. Bureau of Alcohol, Tobacco & Firearms to advise on: (a) Establishing national regulations and standards for the Chinese alcohol beverage industry; (b) Label and formula approval; (c) Compliance matters; (d) Laboratory research and testing procedures; and (e) Product taxing and collection.

Increase incentive for foreign wine importation and joint venture activity by further lowering the tariff on wine considerably below the present 70% level. Increased sales of American dry wines in China will correspondingly increase the popularity and sale of Chinese dry wines.

#### MEMBERS OF THE DELEGATION

Gordon W. Murchie, Delegation Leader and President, Vinifera Wine Growers Association, Alexandria, Virginia; Anita J. Murchie, Delegation Reporter, VWGA; Albert A. and Donna M. Oliveira, Basport Vineyard, King City, California; Tony K. Wolf, State Viticulturist, Virginia; Wilbert E. Rojewski, President, Alasco Rubber & Plastics Corp., Belmont, California; John R. Pramaggiore, Director of Fine Wines, Service Liquor Distributors, Inc., Schenectady, New York; Tomas F. Rodriguez, President, La Provencale Cellars, Reston, Virginia; Stephen D. Reiss, Buyers & Cellars Wine Consultants, Aspen, Colorado; Anne V. and Roger W. Webb, Apponagansett Bay Vineyard, South Dartmouth, Massachusetts; and Robert J. Boidron, Director, E.N.T.A.V., France.

#### TRIBUTE TO POLISH-AMERICANS

##### HON. MARK ADAM FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. FOLEY. Mr. Speaker, I rise today, Pulaski Day, to pay tribute not only to Kazimierz Pulaski but to all men and women of Polish descent who have helped to make this Nation the greatest in the world.

Kazimierz Pulaski was an energetic and fiery soldier who, in July 1777, came to America to offer his services in the Revolutionary War. As a cavalry general he fought courageously and won distinction in several campaigns.

Pulaski was to the American Revolution what Patton was to World War II. Though he was mortally wounded in the Battle of Savannah, he left behind a cavalry unit that earned him the title "Father of the American Cavalry."

Mr. Speaker, Kasimierz Pulaski knew, just as the following famous Polish-Americans, that freedom isn't free and that America is a great nation because it provides an opportunity for every person regardless of ethnicity:

#### FAMOUS POLISH-AMERICANS

Mieczyslaw G. Bekker—scientist; built the first vehicle used on the moon (moon rover used by Apollo 15 in 1971).

Zbigniew Brzezinski—professor of political science; National Security Advisor in President Carter Administration (1977-1981).

Stanislaw Burzynski—physician, cancer specialist.

Adam Didur—opera singer; at the beginning of the 20th century was for 25 years principal bass of the Metropolitan Opera.

Mieczyslaw Haiman—historian; the first curator of the Polish Museum of America in Chicago.

Bronislaw Kaper—composer; composed for nearly 150 Hollywood movies, won Oscar for "Lili."

Jan Karski—diplomat and professor of political science; author of the report concerning conditions in the Warsaw Ghetto and concentration camps in the early World War II, who tried to bring to the attention of unwilling-to-listen Allied governments and societies the atrocities committed by Germans in Europe.

Jan Kiepura—opera singer; star of the Metropolitan Opera and Broadway.

Tadeusz Kosciuszko—political leader and philosopher; brilliant military strategist, a Revolutionary War hero, built West Point.

Jerzy Kosinski—writer; author of "The Painted Bird."

Jan Krol—the first Polish-American cardinal (from Philadelphia).

Wladimir B. Krzyzanowski—soldier; organized Polish Legion that fought in the Civil War; the first Governor of Alaska.

Bronislaw Malinowski—anthropologist; a founder of cultural anthropology; famous for his research in Trobriand Islands.

Czeslaw Milosz—poet and writer; won Nobel prize for literature (1980).

Helena Modrzejewska—actress; famous in the 19th century America for her appearances in Shakespeare's plays.

Ralph Modjeski—engineer; specialized in building bridges (Themes Bridge over Mississippi, Delaware River Bridge, Trans-Bay Bridge in San Francisco, Blue Water Bridge in Michigan).

Stan Musial—baseball player (St. Louis Cardinals); Sportsman of 1957, Baseball Player of the Decade, 1946-56.

Edmund Muskie-Marciszewski—U.S. Senator from Maine; Democratic candidate in the presidential elections of 1968 and 1972.

Pola Negri—actress; star of many films in the early era of Hollywood.

Ignacy Jan Paderewski—pianist, composer and statesman; loved by the American audience, played an important role in establishing free Poland after the World War I, Prime Minister.

Ed Paschke—contemporary painter; representative of the Chicago Abstract Imagists.

Roman Polanski—film director; famous for "Rosemary's Baby," "Chinatown" and other movies.

Tadeusz Sendzimir—engineer; author of over 50 inventions in mining and metallurgy.

Leopold Stokowski—conductor.

Leopold Tyrmand—writer, editor of "Chronicles of Culture."

Stanislaw Ulam—mathematician, cocreator of the atomic and H-bombs.

Korczak Ziolkowski—sculptor, creator of the statue of Crazy Horse in the Dakota Black Hills; member of the team of artists that carved head of presidents in Mt. Rushmore.

Florian Znaniecki—sociologist; coauthor of "The Polish Peasant in Europe and America, 1918-1920; considered the foundation of modern empirical sociology.

#### TRIBUTE TO THE FRANCIS CHILD DEVELOPMENT INSTITUTE AND THE FRANCIS FAMILIES FOUNDATION

##### HON. KAREN MCCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Ms. MCCARTHY. Mr. Speaker, I rise today to salute the Francis Families Foundation in Kansas City, for their dedication to improving the quality of child care for thousands of families in our community.

The Francis Institute is a major program at Penn Valley Community College, one of the metropolitan community colleges, whose mission is to provide high-quality training and education to child care providers and students seeking careers in early childhood development. In its short 6-year history, the Francis Institute has become a national leader and advocate for the profession of child care. It is also changing the way Kansas City views child care facilities—not as babysitting services, but as enriching places for children to go for learning and development.

Today, thanks to a \$6.5 million grant from the Francis Families Foundation, the Francis Institute is breaking ground on an exciting state-of-the-art facility. This building will provide exciting new benefits to the community, including a comprehensive resource library, a model child development center, facilities for community workshops and seminars on child care and more.

Since 1990, the Francis Families Foundation has worked quietly behind the scenes providing leadership in the area of child care education and training. As one of the founders of the Francis Institute, it has helped establish a unique public-private partnership with the metropolitan community colleges. The outcome is accessible education and professional development opportunities to urban child care providers.

The Francis Institute's success and impact are built upon a foundation of community partnerships and collaborative programs. Working

with local, State, and national organizations to provide academic courses, workshops, consultation, entrepreneurial training, mentoring, and more, the Francis Institute has improved the skills of thousands of child care providers and students. At the same time, its qualified staff fosters a lifelong love for learning and personal growth.

It is common for people to talk about the problems our children face today. It is rare for organizations such as the Francis Families Foundation and the Francis Child Development Institute to work hand in hand toward a common goal with so much success in such a short period of time.

Mr. Speaker, I congratulate the Francis Families Foundation of its vision and tremendous generosity, and I wish the Francis Child Development Institute great success in its efforts to change the way we think about child care to the benefit of families.

#### 40TH ANNIVERSARY OF THE HUNGARIAN REVOLUTION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. SMITH of New Jersey. Mr. Speaker, 40 years ago, on October 23, 1956, students in Hungary protested against the Russian and Marxist-Leninist classes which had been imposed by the Soviet Union. The Hungarian Revolution had begun. Students and the Writers' Union then publicly supported the Polish anti-Soviet movement, and workers joined them in calling to reinstate as Premier the Communist Party reformer Imre Nagy. Within days, despite hard-liner Premier Hegedus' plea to the Soviet Union for assistance, the Communist Party reinstated Nagy and his reform efforts were allowed to resume. The Hungarian people wanted more, and pushed for an end to the dominance of the Communist system itself. With Soviet troops and tanks entering Budapest, a new government was formed as fighting spread across the country. Revolutionary workers' councils and local national committees demanded attention be given to political and economic demands, including calls for free elections, free speech, press, assembly, and worship.

Imre Nagy, siding with the people, announced the end of the one-party system, and called for free elections. He even criticized the Warsaw Pact and indicated his intention to make Hungary a neutral state. The Soviet Union quickly reacted to this secession with a crushing military advance on strategic locations throughout Hungary in mid-November. Imre Nagy was ousted from office. For his loyalty to his people and to their revolution, he was executed by the Soviets in 1958.

Mr. Speaker, despite courageous efforts, the revolutionaries were ruthlessly and bloodily suppressed while a sympathetic but ineffective international community stood by. In the end thousands were killed in the fighting, and hundreds of thousands fled the country to avoid imprisonment and repression after the revolution. Many settled in the United States.

The 40th anniversary of the Hungarian Revolution is an appropriate time to reflect upon the historical contribution made by those who valiantly fought for freedom. Although the rev-

olution did not succeed in freeing the Hungarian people, its influence on Hungarian life has been strong. To Hungarians, East and Central Europeans, and the rest of the world, the Revolution served as a reminder that the Soviet Communist bloc was an artificial edifice which would crumble without the support of Soviet military strength.

Hungary and Poland led the way in 1989 to cast off Communist rule, and Hungary remains in the forefront of those East European nations working to consolidate democracy and build market economies. In 1990, Hungary was the first East European country to become a member of the Council of Europe, reflecting Hungary's advances in human rights. Indicative of the country's progress in establishing a democracy, Hungary is currently among the first-tier countries to be considered for membership in an expanded NATO.

In fact, acknowledging the need for security and cooperation with their European neighbors, the Hungarian Government—led by Gyula Horn—made a significant step toward historic reconciliation with Romania by signing a bilateral treaty just a few weeks ago. Hopefully this treaty will be a useful mechanism for handling future concerns peacefully and in a constructive manner. In its ongoing transition, Hungary continues to face the complex tasks of sustaining newly-developed democratic institutions, furthering the growth of civil society, and managing the hardships associated with privatization and economic reforms following decades of Soviet domination and centralization.

Hungary's commitment to a free and democratic system are deeply rooted in the legacy of those who valiantly fought in 1956. With history as a measure, Hungary has great staying power. This year, Hungary commemorates not only the 40th anniversary of the 1956 Revolution, but also the 1100th anniversary of Hungary as a nation. Mr. Speaker, in this 40th anniversary year we honor Hungary's legacy of a love for freedom.

#### GIRL SCOUT GOLD AWARD

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. COBLE. Mr. Speaker, since 1980, the Girl Scout Gold Award has been the highest award that a Senior Girl Scout can earn. In the Sixth District North Carolina, we are proud to announce that 88 members of the Tarheel Triad Girl Scout Council have earned this prestigious honor.

The Gold Award is the most highly valued honor in Girl Scouting. The potential honoree must spend 2 to 3 years committing herself to hard work in order to obtain a Gold Award. Her efforts must express a special dedication to personal growth, helping her community and her world, and to her future.

To receive the award, a Girl Scout must earn four Interest Project Patches, the Career Exploration Pin, the Senior Leadership Award, and the Girl Scout Senior Challenges. She must also design and implement a Girl Scout Gold Award project that takes a minimum of 50 hours to complete. A plan for fulfilling these requirements is created by the Senior Girl Scout, an adult advisor, and the community in which she lives.

We are pleased to state that the following Girl Scouts from the Tarheel Triad Girl Scout Council of North Carolina have achieved the ultimate success—the Gold Award.

#### GOLD AWARD RECIPIENTS—1995-96 Troop Year

Kathryn Abel, Anna Antonowicz, Kendall Bain, Anne Beatty, Renee Blackburn, Kerstin Blomquist, Jennifer Bowman, Dana Braddy, Karen Bright, Hana Brown, JoNelle Bruff, Anna Bulluck, Melissa Burgess, Hillary Craven, Jocelyn Crawford, Aarika Cupp, Janet Dawson, Jennifer Dickson, Kristen Dowler, Jennifer Duncan, Anne Duquette, Danette Farmer, Kristin Felts, Ashley Finn, Erin Florence, Christianna Floyd, Jillian Fulbright, Leta Jo Gardner, Heather Gillaspie, Elizabeth Grabasky, Jessica Grandon, Nyia Gravely, Sikia Gravely, Dana Hensley, Robin Huckabee, Mary Kathryn Jester, Julie Johnson, Laurie Jones, Emily Knott, Heather Lloyd, Heather Long, Katherine Love, Kelly Lowry, Erin Lutz, Whitley Maner, Kara Marcus, Kelly McBrayer, Tonia McCaslin, Erin McClure, Jennifer McGinnis, Amber McKinnon, Rowena McNairy, Hawanya Miller, Kristina Miller, Charita Moore, Lindsey Moxley, Erin Murphy, Carrie Navey, Meredith Newlin, Lauren Pate, Amanda Patty, Monica Pedelty, Katie Potts, Katie Raines, Katherine Redding, Kate Roskelly, Mary Kathryn Ross, Elizabeth Rowland, Jerilyn Shaw, Valerie Smith, Drema Snedeker, Dawn Sneed, Dawn Snider, Katherine Spencer, Meredith Stewart, Lindsey Strickland, Aisha Taylor, Jinger Thies, Margaret Tilley, Mary Elizabeth Waddell, Wellsley Wallace, Mary Weatherly, Anna West, Dana Wiley, Valerie Williams, Vachelle Willis, Meredith Wood, and Patty Yu.

We often hear about the negative achievements of today's youth. I am pleased to share with my colleagues the positive developments of a group of young women in my district. On behalf of the Sixth District of North Carolina, we offer our congratulations to every recipient of the Girl Scout Gold Award.

#### INDIA FINALLY PUNISHES MURDERER INVOLVED IN 1984 MASSACRE OF SIKHS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. BURTON of Indiana. Mr. Speaker, the September 16 issue of the New York Times reported that, thanks to a personal crusade by a magistrate named Shiv Narain Dhirga, some of the people responsible for the 1984 Delhi massacre of Sikhs are being punished. Over 20,000 Sikhs died in those massacres following the assassination of Indira Gandhi. All the while, state radio and television called for more bloodshed and the Home Minister locked Sikh policemen in their barracks.

The New York Times called this "one of the darkest chapters in the country's half-century of independence."

According to the Times, "despite evidence implicating politicians, police officers, and officials in the anti-Sikh rioting, not a single person had been convicted for the killings that followed the assassination," until this year. This year, a butcher who was involved in at least 150 of those murders, Kishori Lal, was sentenced to death by Judge Dhirga. This crusading magistrate has also sentenced 89 people involved in the massacres to 5 years of "rigorous imprisonment," the harshest punishment

in the Indian prison system. These moves constitute a first step toward justice, but they are not nearly enough.

Gurcharan Singh Babbar, a Sikh activist whose campaign on behalf of the victims of this government-inspired massacre caused him to be labeled a "terrorist" by the regime, reports that he has affidavits from the families of at least 5,000 victims. Clearly, the sentences imposed by Mr. Dinghra are just the tip of the iceberg. A Sikh woman named Satnami Bai, finally succeeded in getting a criminal indictment against former government minister H.K.L. Bhagat, who was involved in the murder of her husband, Mohan. It seems that Mohan Bai was pulled from his home, beaten with iron bars, and burned to death by a government-inspired mob. Unfortunately, Mohan Bai is just one of many. Despite the indictment against Mr. Bhagat, he has been allowed to stay in a government bungalow with the protection of the elite and brutal Black Cats security forces. After he was thrown out under pressure this past spring, the Government wrote off thousands of dollars in back rent that Mr. Bhagat owed.

The judge said the Government's belated effort to investigate the massacre is clearly a farce designed to cover up its own responsibility. As Mr. Dinghra points out, the government felt that "the massacre was necessary to teach (the Sikhs) a lesson." This is further proof that the rights of Sikhs and other minorities have never been respected in "the world's largest democracy." That is why we must raise our voices to force the Indian government to stop the atrocities in Punjab and Kashmir, and punish the criminals who are guilty of committing these crimes in the past. We must also do everything in our power to compel the Indian government to respect the rights of the Sikhs in Punjab and the Muslims in Kashmir to freedom from abuses, democracy, and self-determination.

I ask to enter the New York Times article on the massacres into the RECORD.

[From the New York Times, Sept. 16, 1996]

A DECADE AFTER MASSACRE, SOME SIKHS  
FIND JUSTICE

(By John F. Burns)

NEW DELHI, September 15.—A dismal air pervades the dank residential blocks of Tilak Vihar, a gloom that goes beyond the unpaved lanes turned to swamps by monsoons and the stench of human waste. In this quarter of New Delhi, the degradation common in Indian slums is compounded by a blankness on the faces, a lack of the optimism and vitality that, against all odds, inspirits so many of India's poor.

The quarter's popular name is Widows' Colony. In these walk-up blocks live hundreds of women and children who lost their husbands, fathers, sons and brothers in the massacre of thousands of Sikhs that followed the assassination of Prime Minister Indira Gandhi in October 1984. Mrs. Gandhi was shot in the garden of her New Delhi home by Sikhs in her security detail, who acted to avenge hundreds of Sikhs killed in a crackdown by Mrs. Gandhi's Government on insurgents holed up in the holiest Sikh temple in India.

For many Indians, the massacre, and India's failure until recently to punish any of those responsible, has been one of the darkest chapters in the country's half-century of independence. Two men found guilty of Mrs. Gandhi's murder was hanged in 1988.

But despite evidence implicating politicians, police officers and officials in the anti-Sikh rioting, not a single person had been

convicted for the killings that followed the assassination until a magistrate imposed a death sentence this week on a butcher found guilty of two of the Sikh murders. Evidence presented in court indicated he was involved in at least 150 other killings.

The death sentence on the butcher, Kishori Lai, was the latest move in personal crusade by the magistrate, Shiv Narain Dinghra. Two weeks ago, Mr. Dinghra drew headlines across India by sentencing 89 of the 1984 rioters to jail terms of five years, to be served under the "rigorous imprisonment" regime that is the harshest imposed in Indian jails.

They were sentenced for crimes like arson, illegal use of explosives, rioting, looting and curfew-breaking. Last fall, Mr. Dinghra, a hitherto obscure figure, sentenced 44 others for their roles in the rioting, the first such action since 1984.

Although the Sikh insurgency in the Punjab was effectively crushed in the early 1990's, the legacy of 1984 has embittered many of India's 18 million Sikhs, whose culture and religion are closely linked to India's predominant faith, Hinduism, from which Sikhism, emerged in an 18th century schism.

India's failure until now to make any reckoning for the 1984 killings has also troubled many secular Indians who have taken the Government's inaction as a token of a growing tendency among Hindu politicians who dominate the major parties to pander to sectarian impulses.

Even Mr. Dinghra's efforts are discounted as tokenism by many Sikhs like Gurucharan Singh Babbar.

Mr. Babbar, a Sikh activist, has campaigned on behalf of the riot victims, causing him to be branded a "terrorist" by the Government of Rajiv Gandhi, who succeeded his mother as Prime Minister, and was assassinated himself in 1991. At his home in New Delhi, Mr. Babbar has piles of affidavits from victims' families that prove, he says, that 5,015 Sikhs were killed, more than double the official figure of 2,300.

But Mr. Dinghra is part of what many people see as a wider awakening of conscience among India's judiciary that many Indians believe could be the spur to wider changes in the way the country is governed.

The new judicial assertiveness first surfaced in rulings by the Supreme Court that swept aside efforts by the Government of Prime Minister P.V. Narasimha Rao to shield Mr. Rao and others from corruption investigations. The judges have accompanied many of their rulings with wider conclusions about the need to rein in the arrogance and criminality that, the judges have said, has become a trademark of Indian politics.

Mr. Dinghra picked up these themes last month in sentencing the 1984 rioters to jail terms. Calling the Government's show of investigating the killings over the years "a farce," Mr. Dinghra said the attitude among top officials at the time was that "the massacre was necessary to teach a lesson" to India's Sikhs.

But the larger lesson of Government inaction in the case, he said, was that justice was available only to those with power.

"Cases against the rich and influential either do not reach the courts, or, if they do, they are seldom finalized, while the cries of the victims go unheard," he said.

A similar conclusion was reached long ago by Satnami Bai, a 36-year-old grandmother, who has waited years to get justice for her husband, Mohan, a 30-year-old driver of a motorized rickshaw who was among the Sikh men pulled from their homes in New Delhi by Hindu mobs, beaten, with staves and iron bars, then burned alive.

Earlier this year, Mrs. Bai successfully petitioned for a criminal indictment in her husband's killing to be drawn up against a

former minister in Mrs. Gandhi's government, H.K.L. Bhagat.

Mr. Bhagat, 75, who has pleaded not guilty, was Mrs. Gandhi's Information Minister. He was named by several unofficial inquiries conducted immediately after the killings as being one of several powerful Congress Party politicians who instigated and led the 1984 killings.

Under Rajiv Gandhi's prime ministership, Mr. Bhagat prospered, holding four ministerial posts and heading the Congress Party in New Delhi. After Mr. Gandhi's Government fell in 1989, Mr. Bhagat stayed on in a luxurious Government bungalow, protected by an elite security force, the Black Cats. Only this spring, when Mrs. Bai's pressures prompted his indictment, was he forced out of the bungalow, and then only after Mr. Rao, the Congress Party leader and then Prime Minister, ordered housing officials to write off tens of thousands of dollars Mr. Bhagat owed in back rent.

The Congress Party has been in an accelerating decline, and its humiliation in a general election earlier this year has emboldened those who have long wanted a reckoning. For these people, Mrs. Bai is just as much a hero as Mr. Dinghra.

Now working as a \$50-a-month cleaner in a Government-run dispensary, a job given to her under a program to compensate widows of the 1984 massacre, Mrs. Bai said powerful figures apparently still believed that people like her could be stopped in their efforts to secure justice.

After Mr. Bhagat was hauled into court for the first time, Mrs. Bai said, a woman who identified herself as a relative of Mr. Bhagat called Mrs. Bai at work and offered her 500,000 rupees, equivalent to \$14,300, if she dropped the case against him. "I said, 'Fine, we'll do a deal, but forget about the 500,000 rupees,'" Mrs. Bai recalled. "Instead, I said, 'Just give me my husband back, and I'll drop the case.'"

## DOUBLE SPEAK CLINTON TRADE POLICY

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. MANZULLO. Mr. Speaker, this week the Clinton administration released its annual National Export Strategy, as required by the 1992 Export Enhancement Act. The report contains many accolades for various initiatives within the administration to boost exports. Many of these initiatives are good. But what I found missing was the Clinton administration's record on the single largest export opportunity—its policy on killing sales of United States equipment and services to the Three Gorges Dam [TGD] project in the People's Republic of China.

Last summer, America was confronted by a new reality on the international scene. For the first time in history, the Census Bureau revealed that China has eclipsed Japan as the nation with which the United States has the largest trade deficit at \$3.33 billion for the month of June. In fact, our trade deficit with China expanded even further to \$3.8 billion in July. The United States could have a trade gap with China of over \$40 billion for 1996 if this trend continues.

Many pundits have decried this growing trade deficit. Some argue that the United States should erect more trade barriers to

keep out imports from China. Yet, there is a consensus among free traders and protectionists that the United States should use every opportunity to sell products to China. In this case, there are willing customers in China who wish to buy over \$1 billion in United States products for the TGD, but the Clinton administration has thus far effectively prevented these exports in order to please certain constituencies in the Democrat Party.

American exporters need the help of the Export-Import Bank of the United States [Ex-Im] in order to win the fierce competition for huge contracts associated with the TGD. Ex-Im can provide loans with lower interest rates—generally 3 to 6 percent less—so that our exporters will not be shut out of the bidding when our European and Japanese competitors secure similar loans from their home government export finance agencies. Already, Canada's export finance agency has provided some help to its exporters willing to sell to the TGD project.

Two years ago, Ex-Im asked the National Security Council [NSC] for advice on the TGD project. Because of its immense size, Ex-Im determined that they did not have sufficient expertise to deal with all the complex issues associated with this dam project. The NSC convened several meetings of 11 different agencies to come up with a series of recommendations for the project. In May 1995, all the agencies involved, including the usually pro-trade Department of Commerce and Ex-Im, recommended that the White House oppose the dam project at this point in time because of environmental issues and human rights concerns over the resettlement of 1.2 million Chinese. Many of the strongest voices against the TGD in this NSC interagency working group came from individuals who had previously worked for environmental lobbying groups prior to their service in the Clinton administration.

Since then, the Yangtze River has flooded twice. More than 3,200 people died in the flooding that occurred during the summers of 1995 and 1996. In fact, during the most recent flooding in July, more than 3 million were left stranded and 810,000 homes were completely destroyed. Some cities were under 20 feet of water and 2.5 million acres of cropland were completely wiped out, costing China \$11.3 billion in economic losses. And, southern China has been hit with five more typhoons, further compounding the flooding damage closer to the coastal areas. Thus, the flooding along the Yangtze in this year alone has done more environmental damage and relocated more Chinese than ever contemplated by the TGD project.

China has debated over the past 70 years a possible solution to this annual flooding problem along the Yangtze River. They fear a repeat of a massive 50 year flood, which last occurred in 1954 that killed 30,000 people and displaced 19 million others. China's leadership concluded that building a dam across the Yangtze at the Three Gorges area would be the best solution in terms of cost, engineering design, and least damage to the environment. While 80 percent of the project is expected to be designed, built, and funded by China itself, it has identified several high-quality foreign products China wishes to use in the dam construction such as hydroelectric power generators, earth moving and concrete placing equipment. The United States is in a unique posi-

tion to sell these products but the Clinton administration has placed several hurdles in the way.

The most troubling aspect is that the supposedly independent Ex-Im agreed with the Clinton White House recommendation. A number of Members of Congress are very concerned about the independence and the future mission of Ex-Im in light of the May 30, 1996 board decision to indefinitely postpone further consideration of a letter of interest for American companies who want a level playing field against foreign firms competing to win contracts associated with the TGD. The way this decision was made was a diversion from Ex-Im's charter and Ex-Im's own internal environmental regulations.

Ex-Im has gone well beyond its statutory mandate contained in the charter and lost sight of its primary mission to "arrange competitive and innovative financing for the foreign sales of United States exporters." According to Ex-Im's charter, environmental policy and procedures apply to any transaction involving the following three criteria:

First, the project requires more than \$10 million of long-term support;

Second, Ex-Im's participation in the project would be "critical to its implementation"; and

Third, the project "may have significant environmental effects upon the global commons or any country not participating in the project, or may produce an emission, an effluent, or a principal product that is prohibited or strictly regulation pursuant to Federal environmental law."

While the financing request for U.S. exporters to sell American goods and services to the TGD certainly fits the first criteria, it does not meet the other two tests. All foreign financing will form approximately 20 percent of the total cost of the final project. Thus, Ex-Im's participation in the project is not critical to the TGD implementation. The dam will be built with or without U.S. participation. The way events are unfolding, it appears that the real life consequence of the Clinton administration policy is to have the dam built, but only with foreign-made equipment.

Regarding the third environmental criteria mentioned in the charter, the TGD project is located in the heart of central China. The dam will only impact the internal environment of China. It will not affect China's neighbors in Russia, India, or Southeast Asia. As a "clean" hydropower project, the TGD will not produce an emission or a noxious effluent. Thus, Ex-Im was not forced by Congress in its charter to turn down these letters of interest.

In fact, Ex-Im has gone even beyond its own internal environmental procedures and violated its own guidelines, which clearly state that "no environmental review will be conducted by Ex-Im Bank prior to issuance of a Letter of Interest." The guidelines also explain that "no LI's will be issued \* \* \* for projects that \* \* \* involve potentially unacceptable environmental risks. As a result, such transactions must seek preliminary commitments or final commitments \* \* \*." Yet American companies were repeatedly told to apply for a letter of interest from Ex-Im for the Three Gorges project even though the proper step should have been quick advancement to the preliminary commitment stage where environmental considerations would be taken into account. Ex-Im's response was that they were simply seeking a way to help the applicants avoid the

substantial charge for processing a preliminary commitment application. So, American workers were denied a \$1 billion export opportunity to willing buyers in China to save a few hundred bucks on an application fee.

If millions of exports and thousands of jobs weren't at stake, this might be an interesting academic exercise. But unfortunately, it isn't. One has to wonder if Ex-Im had already made up its mind months before their May decision, as evidenced by their concurrence with the NSC memorandum. This was the first major test case of Ex-Im's implementation of its new environmental guidelines since they were finalized last April. If this is any indication of future action, the United States will certainly surrender many export opportunities to our foreign competitors who have no similar prohibitions.

What adds insult to injury is that now the Clinton administration has begun to provide humanitarian aid to the Chinese suffering from this flood while, at the same time, refuses to revisit its failed policy on the TGD to provide a permanent solution to this annual tragedy. A wise man once said, "Give a man a fish, he is fed for a day. Teach him to fish, he will be fed for a lifetime."

Ex-Im still has one last opportunity to rescue themselves from this dilemma. China is working very hard to get substantive answers to the remaining questions asked by Ex-Im at their May 30 press conference dealing with water pollution, endangered species, relocation, and salvaging archeological treasures. If China fulfills their end of the bargain, I urge Ex-Im to use that opportunity to reissue letters of interest to United States exporters to keep them in the game. Our exporters lost out on \$4 billion in export opportunities last April because Ex-Im kept delaying their decision. Let's not repeat that mistake because there are more contracts worth billions more up for bid later this fall. Let's use America's ingenuity and expertise to "teach" China to build the best, safest, and most environmentally benign dam to prevent the annual tragedy that occurs on the Yangtze and lower the trade deficit with China by supporting Ex-Im involvement with the Three Gorges Dam.

#### THE SPORTSMEN'S BILL OF RIGHTS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. CUNNINGHAM. Mr. Speaker, I rise today to support the Sportsmen's Bill of Rights (H.R. 4144), which was introduced by my dear friend and colleague BILL BREWSTER of Oklahoma.

From America's earliest days, hunting and fishing have been a part of the American experience. Today, over 36 million Americans enjoy fishing as a regular recreational activity, and over 16 million Americans enjoy hunting.

Hunting and fishing are essential components of effective wildlife management. They provide important incentives for the conservation of wildlife, and the habitat and ecosystems upon which wildlife depends. Funds raised from the sale of licenses, permits, and stamp purchases, as well as excise taxes on goods used by anglers and hunters,

are used for wildlife management and research. American's sportsmen are conservationists working to protect habitats and wildlife for the future.

As a member of the bipartisan Congressional Sportsmen's Caucus, I am proud to work with my colleagues to promote opportunities for sportsmen across America. The Sportsmen's Bill of Rights:

Requires Federal agencies managing Federal land and water resources to support promote, and enhance opportunities for fishing and hunting.

Amends the current land management process to include the promotion of hunting and fishing as a priority for Federal land use.

Raises the awareness of Federal land managers of the impact that their policy decisions have on hunting and fishing opportunities.

Ensures that our Nation's Federal lands will continue to be places where opportunities for hunting and fishing are promoted.

I would like to thank in Mr. BREWSTER for introducing the legislation. I also want to encourage all my colleagues to join us ensuring that all Americans have the opportunity to take part in America's sporting tradition.

#### BIRTH OF ALEXANDRA KATHRYN RANDALL

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, Alexandra Kathryn Randall was born on the twelfth day of August, 1996; and

Whereas, Alexandra's parents, David and Courtney Randall, are proud to welcome their first child into their home; and,

Whereas, I am sure that Alexandra Kathryn will bring her parents and family love and joy; and

*Be it resolved*, the parents of Alexandra Kathryn, with a real sense of pleasure and pride, join me in celebrating her birth and the happiness she brings to their family.

#### TRIBUTE TO POPE JOHN PAUL II IN HONOR OF HIS 50TH ANNIVERSARY OF ORDINATION

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. SCHUMER. Mr. Speaker, I am proud to join all my friends and colleagues in honoring our Holy Father Pope John Paul II celebrating the 50th anniversary of his ordination. I truly believe that due to the tireless efforts of Pope John Paul II, the world has become a more unified and peaceful place to live.

In a time of need for the championing of human rights around the world, a strong moral leader who is widely and enormously respected emerged in the person of John Paul II. Pope John Paul II a warm, earthly figure, whose very presence wins the hearts of the millions who cheer him at every turn on his international pilgrimages. He is also a gifted philosopher, intellectual, and religious statesman.

As our society has grappled with serious social questions, Pope John Paul II has dealt with them in such a way as to maintain a peaceful and fair world order. Over the past 50 years, Pope John Paul II has been a dedicated servant to the world in his goals that include peace, disarmament, and the conquering of world hunger.

On this most joyous anniversary celebration, Pope John Paul II remains a beacon of strength and hope for every world citizen. For all these reasons and more I pay tribute to Pope John Paul II today and salute him as a true world hero. May he be blessed with the fortune of celebrating many more anniversaries well into the future.

#### TRIBUTE TO ILENE MUNETZ PACHMAN AND HER EFFORTS FOR THE RAOUL WALLENBERG POSTAGE STAMP

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to Ilene Munetz Pachman—a Bucks County, PA, freelance writer, educator, and author of children's books—who spent 4 years of determined effort to convince the United States Postal Service to issue a commemorative stamp in honor of the Swedish Holocaust hero Raoul Wallenberg. On May 8 of this year, a number of my colleagues from the House and the Senate joined with me, Mrs. Pachman, Postmaster General Marvin Runyan, Postal Service Governor S. David Fineman, and my wife, Annette, in unveiling the design of the Wallenberg stamp. This stamp will be issued next year.

It is highly appropriate to have a U.S. stamp honoring Wallenberg. This Swedish businessman, a member of Sweden's most prominent banking and business family, went to Budapest, Hungary, at the request of the United States Government in 1944 in a desperate effort to save the lives of Jewish victims of the Nazi extermination machine. Through his incredible struggle, he saved the lives of tens of thousands.

Mrs. Pachman first learned about Wallenberg at her synagogue. Initially, she wrote articles about him. Even after the collapse of the Soviet Union, as his fate continues to be a mystery, she was determined to see that he continued to have a high profile. In continuing her efforts, Ilene said that she was inspired by the success of my wife, Annette, in bringing recognition to Raoul Wallenberg's extraordinary deeds.

Mr. Speaker, in 1992, about the time that a U.S. stamp was issued with Elvis Presley, Mrs. Pachman focused on the importance of honoring Raoul Wallenberg with a U.S. commemorative stamp. "Our children need genuine heroes," she told me. "With the precious name and likeness of Wallenberg coming into millions of American homes, via a stamp, his altruism will be discussed and, hopefully, his goodness emulated."

Often squeezing as many as 40 hours a week for correspondence and telephone networking into the time left from her professional and family life, Mrs. Pachman enlisted the support of a broad spectrum of civil rights

and human rights leaders, including Elie Wiesel, Coretta Scott King, Secretary of Education Richard W. Riley, Steven Spielberg, and president of the American Red Cross, Elizabeth Dole. Confident that the Wallenberg stamp would be supported by Americans of all faiths, she enlisted support from Cardinal Anthony Bevilacqua, the National Council of Churches, the U.S. Holocaust Memorial Council, Evangelical Lutheran Church in America, B'nai B'rith International, and other organizations. She also received the support of Senators CARL LEVIN and PAUL WELLSTONE and Mrs. Pachman's own representative, Congressman JIM GREENWOOD, in addition to the support of more than 100 other Members of Congress.

Mr. Speaker, I invite my colleagues to join me in paying tribute to Ilene Pachman for her efforts in winning support for the issuing of a stamp to honor Raoul Wallenberg and to perpetuate the memory of that outstanding humanitarian.

#### IN HONOR OF THE 75TH ANNIVERSARY OF THE LEMOORE VOLUNTEER FIRE DEPARTMENT

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. DOOLEY of California. Mr. Speaker, I rise before my colleagues today in order to pay tribute to the outstanding history of the Lemoore Volunteer Fire Department, which is celebrating its 75th anniversary this year.

This fine group of dedicated individuals first came together in 1921, and has been serving the Lemoore community continuously since its inception. Today, the members of the Lemoore Volunteer Fire Department provide an invaluable service to Lemoore by responding to nearly 200 fire alarm and over 600 medical calls each year.

I sometimes hear a sentiment of regret from people that our communities are suffering because of an unwillingness on the part of its members to become involved in service activities. The Lemoore volunteer fire fighters certainly defy this supposed trend. They have contributed to their community with an overwhelming spirit of generosity and caring, from the practical services they offer by way of fire fighting to the little extras, like providing the city with its annual Christmas tree.

I commend the dedicated individuals in the Lemoore Volunteer Fire Department for their remarkable 75 years of continuous service, and I hope that their fellow citizens will continue to support them with vigorous appreciation.

#### LET'S REALLY PROTECT AND STRENGTHEN OUR VETERANS' EMPLOYMENT PROGRAMS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. FILNER. Mr. Speaker, issues related to employment and training assistance for veterans have received a lot of attention in the

104th Congress. In fact, my colleagues on the other side of the aisle have talked endlessly about our national responsibility to support and assist veterans in their efforts to obtain employment and training. However, to quote the Bard, their rhetoric is largely "much ado about nothing," and their legislative commitment to veterans in no way matches the passion of their words.

For over 50 years the House of Representatives deemed veterans' issues as near sacred—and far too important for partisan bickering and cynicism. Expecting that this bipartisan tradition would continue, I introduced three bills to protect, strengthen, and expand employment opportunities for our Nation's veterans. Unfortunately, the Republican chairman of the Veterans' Affairs Subcommittee on Education, Training, Employment, and Housing, which has jurisdiction over these measures, chose not to act on any of this legislation. H.R. 3538, the Veterans' Job Protection Act, H.R. 3938, the Veterans' Training and Employment Bill of Rights Act of 1996, and H.R. 4080, the Veterans' Entrepreneurship Promotion Act of 1996, are all significant bills that would make significant differences in the lives of thousands of veterans. These bills are serious business—they are not "much ado about nothing"—and I hope that in the 105th Congress they will not fall victim to the hypocrisy surrounding veterans' matters we have experienced this year.

It is important that our veterans fully understand and appreciate what they have lost as a result of the destruction of the historical bipartisan support for veterans. Accordingly, I will briefly describe the bills which the Republican leadership chose not to support. First, I introduced H.R. 3538, the Veterans' Job Protection Act. This measure responded to a recent Supreme Court ruling which inadvertently eliminated job protections for veterans and members of the Selected Reserve whose civilian employment is with a State government. My bill would restore reemployment rights for these individuals. It would clarify that States must abide by the Federal law which requires employers to reestablish veterans in their former jobs when they return from military service. Because H.R. 3538 has not been enacted, members of the Selected Reserve who were activated for service in Bosnia could have problems when they return home and attempt to reclaim their civilian jobs if they are State employees. We hope and expect that the Selected Reservists now in Bosnia will soon return to the United States. It will be a dismal "welcome home" if their civilian jobs are not available to them because some in Congress chose not to protect them.

Under H.R. 3938, the Veterans' Training and Employment Bill of Rights Act of 1996, disabled veterans and veterans who have served in combat areas would have the opportunity, for the first time, for the first time, to fully participate in all federally funded training programs. Too often, veterans have been underserved by these national programs. For example, although veterans accounted for approximately 24 percent of all dislocated workers, only 14 percent of those trained under the Job Training Partnership Act [JTPA] program for dislocated workers were veterans. Veterans' service organizations have told us that some program managers mistakenly assume veterans receive similar services from the Department of Veterans' Affairs and discourage

veterans from taking advantage of JTPA services. Additionally, we are in the midst of a major redesign of our national labor exchange and job training programs. My bill would ensure that our country's long-standing commitment to providing priority services to veterans seeking employment and training assistance would be protected and strengthened. H.R. 3938 would also establish, for the first time, an effective appeals process for veterans who believe their rights have been violated under certain veterans' employment-related programs.

Finally, I introduced H.R. 4080, the Veterans' Entrepreneurship Promotion Act of 1996. The purpose of this measure is to promote and assist the creation, development, and growth of small businesses owned by disabled veterans and other eligible veterans. Under this bill, a Governmentwide procurement program would be established to assist eligible veteran-owned small businesses to receive Federal Government contracts. For the first time, certain veteran-owned small businesses would have a real opportunity to become suppliers of needed goods and services through access to contract award opportunities in the multi-billion dollar Federal market. Additionally, because the availability of adequate capital for business startup and expansion can be an obstacle to the development and growth of veteran-owned small businesses, my bill would establish a guaranteed loan program for these concerns in the Small Business Administration [SBA]. H.R. 4080 would also provide eligible veteran small business owners with entrepreneurial training, counseling, and management assistance. I believe our Government has a responsibility to help the veterans of this country because of the sacrifices they have made in the service of their country. I also believe that the men and women who have served in our Armed Forces are a valuable national resource whose skills and abilities must be absorbed by, and integrated into, the civilian workforce. In order to facilitate this transfer of talent, however, we must provide our service members the tools, training, and job protection they need to reenter the non-military workplace. Finally, I believe veterans are special and unique members of our American family. They have defended us all and have protected the freedoms we all value. I hope that in the next Congress we can work together as Americans, not as Republicans or Democrats, to develop responsible, effective, meaningful policies affecting our Nation's veterans.

#### FORMER YUGOSLAVIAN REPUBLIC OF MACEDONIA: NATION-BUILD- ING IN A HOSTILE NEIGHBOR- HOOD

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. BEREUTER. Mr. Speaker, as the 104th Congress comes to its conclusion, this Member would take a moment to point out a major, unsung success story in American foreign policy. For 5 years the Former Yugoslav Republic has survived in a fragile and tenuous manner. Surrounded by adversaries and facing an embargo from Greece, the tiny Balkan State of Macedonia, which is formally recognized at

this time in international fora as the Former Yugoslav Republic of Macedonia [FYROM], has defied the odds and emerged as a viable state. FYROM has a democratically elected government, and with international assistance seems to have avoided much of the turmoil that has afflicted the rest of the former Yugoslavia.

The United States can justifiably take some pride in Macedonia's success. For the past 3 years, American troops have served in the international peacekeeping force that monitors the border with Serbia. Together with Danish and Swedish troops, these forces have served as an important deterrent to ensure that the Bosnian conflict did not migrate into the southern Balkans. American diplomats helped resolve, or at least dramatically reduce, the longstanding differences the Government of Greece has had with the Skopje government. American foreign aid and technical assistance, including assistance provided by the University of Nebraska-Lincoln College of Business Administration, has provided an important catalyst to develop entrepreneurs in Macedonia.

Many obstacles remain. Greeks and Macedonians continue to have a number of differences, including the final name of the country. Ethnic Albanians has serious concerns that their special needs are not always adequately considered. And, there always is the grave risk that a crisis in Kosovo would spill over into Macedonia.

These potential problems notwithstanding, Macedonia rightfully deserves praise. As Cord Meyer noted in a recent editorial, "For the first time in many years, it is possible to look with some optimism at the future of the southern Balkans." This Member would ask that Mr. Meyer's editorial entitled "Achieving Stability Macedonia's Way" from the September 26, 1996, edition of the Washington Times be included in the RECORD.

[From the Washington Times, Sept. 26, 1996]

ACHIEVING STABILITY MACEDONIA'S WAY

(By Cord Meyer)

On September 8, Macedonia celebrated the fifth anniversary of its vote for an Independent and sovereign Macedonia, as opposed to remaining part of the Socialist Federal Republic of Yugoslavia. It is the only former member of the Yugoslav Republic that managed to declare independence peacefully and without bloodshed. Even Slovenia had 10 days of war before it broke free.

Having survived an attempt to assassinate him last October, the 79-year-old president, Kiro Gligorov, has made an extraordinary recovery from his serious wounds, is now back in full control of the presidency, and presides over a coalition government. Having survived the glancing blow of United Nations sanctions aimed at Serbia and a year's embargo on its trade with Greece, the Macedonian economy is beginning to feel results from the rigorous privatization program that Mr. Gligorov has insisted upon.

Mr. Gligorov can also claim a large share of the credit for the timely deployment in 1993 of the U.N. peacekeeping forces in Macedonia's Northern border with Serbia. The assignment of 500 U.S. troops and 600 Nordic forces as an effective tripwire to discourage aggression remains a classic example of timely preventive diplomacy. It would be a serious mistake to withdraw these forces prematurely, as some of Congress are urging.

Another example of effective diplomacy was the agreement reached last September by Macedonia with its southern neighbor, Greece. By agreeing to change its flag and



modify its constitution, Macedonia with the help of Cyrus Vance as U.N. negotiator, managed to lift the damaging embargo on trade with Greece. The name issue was set aside for future negotiation and both countries claim to be enjoying profitable and peaceful relations.

Perhaps the most serious and difficult unresolved problem, Macedonia now faces is the status of its 23 percent Albanian minority. In addressing that issue, we are fortunate to have available a number of recommendations made this week by a working group appointed by the Council on Foreign Relations to promote stability in the Southern Balkans. They urge as the first priority maintaining the U.N. force on Macedonia's border with Serbia, as proof of U.S. commitment to Macedonia's territorial integrity and to minimize military expenditures by the Balkan states.

Second, the working group urges support of economic recovery in Macedonia, because no effort to reduce ethnic conflict is likely to succeed if economic conditions deteriorate. They recommend international support for "construction of an East-West transportation corridor that would link Bulgaria to its Adriatic ports via Macedonia." They urge other efforts at economic integration of the region.

Thirdly, the group found two key areas where reforms could make a difference: education and the political system. They urge the Macedonian government to end its opposition to Tetovo University, where the Albanian language is taught, and the expansion of Albanian language instruction at Skopje University. They call on the United States "to accompany efforts to facilitate the satisfaction of Albanian cultural needs with efforts to support Macedonian cultural development."

Finally, the working group heard several conflicting arguments about the ethnic composition of public sector employment with the Albanian minority claiming discrimination. In the long run, the conclusion was that economic progress in Macedonia will depend on the growth of the private sector.

On the issue of electoral reform, they found a consensus that reforms should be designed "to equalize the population of electoral districts and introduce some element of proportionality in the distribution of seats." The hope is that the probable increase in diversification of ethnic Albanian participation in parliament would encourage Albanian participation in coalition politics and legitimate the Macedonian political order in the Albanian community. The group suggested permitting the use of minority languages in the conduct of local business in state offices.

Finally, Macedonia's political stability is to some extent at the mercy of events in Kosovo on its northern border. The 90 percent Albanian majority in Kosov has been kept under a brutal suppression by the 10 percent Serbian minority, and the danger of a violent revolt has been real. However, on Sept. 3 Slobodan Milosevic, the president of Serbia, seems to have reached a deal with Ibrahim Rugova, the longtime leader of ethnic Albanians in Kosovo, to end the six-year Albanian boycott of state schools. Motivating Mr. Milosevic may have been the American warning to him that he could not expect to join the International Monetary Fund until he improved his treatment of the Albanian population.

For the first time in many years, it is possible to look with some optimism at the future of the Southern Balkans.

## HONORING SAMMY YUKUAN LEE

### HON. DAVID FUNDERBURK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. FUNDERBURK. Mr. Speaker, I rise today to honor Sammy Yukuan Lee, a world renowned scholar of Chinese antiquities, who has been a United States citizen since June 28, 1984. Even in his youth Sammy Lee was strongly principled and highly disciplined. Gifted with extraordinary foresight, he was able to take advantage of the many opportunities he encountered. His accomplishments demonstrate that hard work and discipline can be a formula for success.

A native of Da Lao Wa village in Zhaoyuan county of Shandong province, China, Sammy Lee is the youngest of five sons in a rural farming family. Village life offered little chance of obtaining a higher education and few prospects for earning a good livelihood. Armed with a sixth-grade education, Sammy Lee who was then in his teens, was sent by his father, Lee Quande, to Beijing to learn a trade from Mr. Teng, the owner of Ji Zhen Xiang, an antique shop. There, Sammy Lee met a fellow apprentice, David Techun Wang, with whom he developed a life-long partnership and close friendship.

In China in the 1920's, most of the workers were illiterate. Sammy Lee and David Wang, fortunate enough to have a basic education, looked beyond their immediate environment. In Beijing, they saw the need for communicating with the many foreign residents to expand their business. Therefore, besides their daily work activities, they also taught themselves English, German, and Japanese from whatever books or methods they could obtain.

In the early 1930's, through his skill and knowledge in Chinese antiques, Sammy Lee met Dr. Hans Bidder, the First Secretary of the German Embassy; Dr. Grand, Chief of Staff of Peking Union Medical College Hospital; and Drs. Ecket and Huwer, who were on the staff of the German Hospital. They were all very much interested in Chinese antiques including carpets, bronzes, ceramics and furniture. Despite his limited command of foreign languages, Sammy Lee was able to interact well with his customers. He established an enduring friendship with each of them built upon mutual trust. His relationships with Europeans and Americans exposed him to Western culture and opened his mind to new opportunities.

Sammy Lee's quest for knowledge and his desire to satisfy his customers prompted him to travel throughout China in search of sources of antique carpets. In those days, any place outside of Beijing proper was beyond the reach of most Chinese merchants, who maintained a traditionally centric view of China. Sammy Lee endured considerable hardship during these days, but found his travels into adjacent provinces to be rewarding.

The most difficult time for Mr. Lee was probably the years between 1935 and 1938, when he was diagnosed with tuberculosis, a prevalent disease at that time. Before the development of the miracle drug for this infectious disease, most of its victims had little hope of recovery. Sammy Lee, true to his character, was determined to overcome this dreadful obstacle. Under the personal care of Dr. and Mrs.

Grand in their home, he followed Dr. Grand's professional advice to the letter—total rest and inactivity. For an energetic and ambitious young man, the treatment was drastic. Fortunately, he completely recovered and was able to return to work in the antique shop.

After World War II, Sammy Lee and David Wang decided to expand the business to Nanjing and Shanghai; and, of course, Mr. Lee was always ready to take on new challenges. However, because of the political turmoil in China, Mr. Tenberg, a close friend, strongly advised him to leave China. In 1947, the Lee's and the Wang's moved from Shanghai to Hong Kong along with several friends and a few of their employees.

Relying upon their own resilience and determination, Sammy Lee and David Wang capitalized on their knowledge of Chinese art and became partners in a new enterprise, the Sammy Y. Lee and Wang's Company Limited, specializing in Chinese antiques and the manufacture of furniture.

Foreseeing an opportunity for expansion, Sammy Lee ventured to Tokyo, Japan, and established the Oriental House Limited, providing Chinese carpets, furniture, tablecloths, and artifacts to American Armed Forces stationed in Japan. Mr. Lee moved his family to Tokyo, while Mr. Wang and his family remained in Hong Kong to manage Sammy Y. Lee and Wang's Co.

During the mid-1950's, leaving his eldest son, King Tsi, in control of his interests in Tokyo, Sammy Lee eagerly explored new markets in Germany and America. Having a loving wife to take care of their home and four younger sons in Tokyo, Sammy Lee was free to travel throughout the world expanding his business contacts and searching for art objects. In 1957, he organized an exhibition and sale in Lempetz Gallery in Koln. In 1964, Mr. Lee held his first lacquer collection exhibition at the Royal Scottish Museum.

By this time, the Japanese economy was well on its way to recovery, enabling many Japanese to rekindle their love of collecting Chinese works of art. Oriental House was able to thrive by meeting the demands of the Japanese for art objects.

Sammy Lee devotes his spare time to researching and writing about Chinese antiquities. His knowledge of and experience with Chinese lacquer, blue and white porcelain, and carpets have been incorporated into one catalog, four books, and three articles and monographs, some of which are listed below.

Sammy Lee has always emphasized the importance of education because he felt the inadequacy of his own formal training. A forward thinker, he insisted that his children attend American schools. In the late 1980's, to honor their father, his five sons established and endowed the Sammy Yukuan Lee Foundation for the purposes of promoting the study of Chinese culture and providing financial assistance to qualified students of Chinese descent.

Sammy Lee lives in southern California with his youngest son, King Yang (John), near his second son King Hao (Howard), and third son King Sum (Sam). One of Sammy Yukuan Lee's sons, Dr. Sam K. Lee, taught International Relations and Government at Campbell University in North Carolina's Second District, and today works in my office as a foreign policy adviser.

At least twice a year, he travels to Tokyo to see his oldest son, King Tsi, and to Hong

Kong to visit his fourth son, King Kong. He enjoys the excitement provided by his five sons and daughters-in-law, nine grandchildren, and six great grandchildren, but still looks forward to new challenges. He currently divides his time between his latest research into Chinese archaic jades and his pursuit of the art of golfing.

PUBLICATIONS IN ENGLISH BY SAMMY YUKUAN LEE

"Catalogue of the Collection of Chinese Lacquer," Edinburgh, Scotland 1964.

"Preliminary Study of Chinese Ceramics in Blue and White (Ching Hau)," Tokyo, 1971.

"Oriental Lacquer Art," Tokyo, 1972.

"Art Rugs from Silk Route and Great Wall Area," Tokyo, 1980.

"A Study of Sung Underglaze Blue and Red Porcelains," Tokyo, 1982.

"Some Problems of Yutu Yao, Shuidong Yao, Bohai Yao, Tingchou Yao, and Hengfeng Yao," Scientific and Technological Insights on Ancient Chinese Pottery and Procelain, Beijing, 1986.

#### TRIBUTE TO DR. MYRNA GOLDENBERG

#### HON. CONSTANCE MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mrs. MORELLA. Mr. Speaker, I rise to speak today in honor of an extraordinary woman, Dr. Myrna Goldenberg, I would like to pay tribute to her most recent accomplishment for which she will be presented the William H. Meardy Faculty Member Award on October 12. This highly competitive award annually recognizes one community college faculty member who personifies the concept of faculty excellence as the foundation of the success of the community college movement.

When Dr. Goldenberg joined Montgomery College in 1971 she began her crusade to raise awareness of the importance of diversity in education. Under her leadership, Montgomery College received a \$280,000 Ford Foundation Grant to lead community colleges in multicultural curriculum transformation. The year-long project focused on changing the curriculum to include feminist and minority scholarship in representative community colleges, including historically black and American Indian colleges. Goldenberg is also the creator and former host of a popular campus cable television show on women's issues titled "Pandora's Box."

Dr. Goldenberg is credited with developing the college's Women's Studies Program, which the American Association of Women in Community Colleges named No. 1 in the Nation. In recognition of Goldenberg's success with the Women's Studies Program, her colleagues created a scholarship award in her honor last year.

Not only is she a college leader, she is a community activist, and a consultant to Montgomery County Public Schools. She taught two summer institutes for over 50 secondary school teachers to help develop a broad and holistic perspective of American society. Also, she is a mentor to high school students in the National Endowment for the Humanities Younger Scholars Program that studies immigrant women.

Mr. Speaker, I am pleased to once again have the opportunity to bring the many accom-

plishments of this distinguished educational leader, Dr. Myrna Goldenberg, to the attention of my colleagues. I applaud the choice of the William H. Meardy faculty members for selectig her this year's honoree.

#### RECOGNIZING TAIWAN'S NATIONAL DAY

#### HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. CHABOT. Mr. Speaker, I just wanted to take a moment before the Congress adjourns for the year to congratulate our friends and allies in the Republic of China as they prepare to celebrate their National Day on October 10.

As my colleagues know, the Taiwanese people recently made history as they successfully and peacefully held the first Democratic elections in over 4,000 years of Chinese history. President Lee Teng Hui and the people of the Republic of China are to be commended for that landmark achievement.

I join with my colleagues in the Congress and my many Taiwanese-American friends in Cincinnati and around the country in congratulating the people of the Republic of China on this, the 85th anniversary of their National Day.

#### TRIBUTE TO BISHOP CHARLES HENRY MCCOY

#### HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. QUINN. Mr. Speaker, I rise today in memory of Bishop Charles Henry McCoy.

Throughout his life, Bishop McCoy tirelessly dedicated himself to the enhancement of our western New York community.

On September 22, 1996, the Buffalo community lost one of its true leaders. A man whose dedicated and charitable community service, commitment to God and family, and strong principles serve as an inspiration to us all.

A gospel preacher for over 60 years, Bishop McCoy dedicated himself to his ministry and to service to his community. On May 28, 1926, Charles McCoy was licensed to the ministry. From that time until the day he died, Bishop McCoy served the Church of God in Christ. Whether it was as pastor, district superintendent, executive secretary, elder, or jurisdictional bishop, Charles McCoy's church building skills were demonstrated clearly.

Under that leadership, the second jurisdiction has grown to include 53 churches. Further, through the McCoy Center, a brilliant facility built under the direction of Bishop McCoy, the Church of God in Christ has been able to make a significant contribution to the development of our community with emerging housing projects.

Mr. Speaker, today I would like to join with the city of Buffalo, western New York second jurisdiction of the Church of God in Christ, and indeed, our entire western New York community, to honor Bishop Charles Henry McCoy, who is survived by his stepson, Douglas;

seven grandchildren, Tyrone, Delores, Douglas, Stacy, Cheryl, Eric, and Trent; and nine great-grandchildren for his dedicated service to our western New York community. To that end, I would like to convey to the Bishop's family my deepest sympathies, and ask my colleagues in the House of Representatives to join with me in a moment of silence.

#### IN RECOGNITION OF MIKE GUIGNO FOR 56 YEARS OF PUBLIC SERVICE

#### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. PALLONE. Mr. Speaker, on September 30 of this year, Mr. Mike Guigno, special projects officer for the directorate of public works at Fort Monmouth, NJ, will be retiring after 56 years of distinguished and exemplary public service. I am proud to have the opportunity to commend Mr. Guigno for this service and congratulate him on his retirement.

As all of those who know Mike Guigno are aware, his record is truly an outstanding one. Having joined the National Guard in 1939 and served his country in World War II as part of Headquarters Company, 114th Intelligence and Reconnaissance, he established himself as a public servant in the earliest days of this professional life—a fact which the Fort Monmouth community would discover a few years after the war when he was transferred to the post engineers in October 1950.

Since that time, Mr. Guigno's career has been nothing short of a model of excellence. He has worked tirelessly to improve Fort Monmouth and his work, which included a 1970 visit with President Nixon to discuss problems affecting the fort's community, will never be forgotten. The numerous letters, certificates and awards he has received in recognition of this service—most notably selection as the 1989 Fort Monmouth Civilian Employee of the Year and 1995 U.S. Army Material Command Public Works Support Executive of the Year—ensure the Fort Monmouth community will forever be in his debt. Indeed as a co-chair of the Save Our Fort Committee, a grassroots organization committed to improving Fort Monmouth, it is with great pleasure that I express both the public's gratitude, and my own, for all he has done.

Mr. Guigno's family, wife Marguerite, son and daughter-in-law Victor and Cyndee, and sister Theresa are surely proud of him as well. Undoubtedly the road he has paved to get to his final position of special projects office of the directorate of public works—including that outside of professional life, which led to frequent participation in local church parish activities—has undoubtedly enriched their lives.

Mr. Speaker, as this long and honorable list of accomplishments indicates, Mike Guigno's life has been full and his record of public service stellar. In short, he has set an example of citizenry that all should follow.

In closing, I once again, congratulate Mike Guigno and thank him for a lifetime dedicated to improving the life of his fellow citizen.

## CHILDREN'S INN GALA

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. GINGRICH. Mr. Speaker, the following remarks were made to at the Children's Inn Gala on September 26, 1996. I thought my colleagues would find this touching and inspiring.

Introduction by Mrs. Debbie Dingell: It is my pleasure to introduce Kathy Schwanfelder. Kathy has been a member of the Children's Inn Board of Directors since 1994. She brings something very special to the board, a parent's perspective of how the Inn can best help its guests. Kathy has experienced the Inn first hand. She and her family stayed at the Inn with her daughter Lizzie while Lizzie was being treated at NIH. Kathy can tell you better than I can what the Inn means to her. I just thank Kathy for her tremendous support on the board and her for being here this evening.

Remarks by Mrs. Kathy Schwanfelder: I've wanted to thank the supporters and friends of the children's Inn NIH since 1:00 in the morning of a cold February night 3 years ago. It was the moment my daughter Liz and I walked through the doors—to a cup of tea and a warm bed.

At the same time that I share my gratitude with you I share my grief and the grief of the other families who have passed through the doors of the Inn. A horror surrounds us—a horror that our children are facing life threatening illnesses, that their days and nights are filled with painful medical procedures at a time when they should be filled with birthday parties and that is how I know the Inn—as a home away from home—a place that celebrates life, a place that helped my daughter Lizzie celebrate her short life.

When children are ill, they are isolated—but not at the Inn. Here they are surrounded by others in the same boat. There need be no explanations for bald heads and feeble bodies.

At the Inn my 17 year old could "hang out" with others her age. She was buoyed up by fighters and survivors. She could ask questions about what she was to face next—of people who knew because they had been there.

Meanwhile, I could sit and have a cup of coffee with other parents who were also finding it hard to swallow—who knew my nightmares. No explanations were necessary. At the same time we could smile together at the Children's Inn as we watched our children take a step out of the misery that illness had inflicted on them and play in the playroom, watch a movie together in the family room, play a game in the library or just lounge on the couches and share stories about their friends back home in that other world where some of them would never really return.

I want to thank you for having the vision and the continuing desire to support the Inn. I want you to picture a feeble-faced bald kid saying from her hospital bed up in Building 10: I feel strong enough to go home to the Inn tonight, could we sleep there so I can take a bath in my own bathroom—very important to 17-year-olds—and talk to Victoria and Chris, anyway I promised Marilyn a story next time I see her. And maybe more you could cook me up some nachos. I want you to picture an otherwise so-

phisticated, reserved young lady painting her whole bald head and face orange so she could be a jack-o-lantern at the Inn Halloween party. Picture her folding herself into a cubby in the little kids playhouse because they wanted her to be the mother. Know that when a child is painting her face and playing with others she is taking a break from disease and pain—sunlight shines if only for a moment.

Picture being away from home for your 18th birthday when all your friends are back home shopping for senior prom dresses and instead of moaning and groaning because you've already learned that life can only be lived in the moment because that's all you have, you smile and plan your birthday in the Inn. Your guests include mostly 6-to-10-year-old boys because they happened to be there.

Picture Liz saying to me: I think I've learned everything I know about living in this place. How can we pay them back mom?

Well my precious child—this is the best I can do for you—and for all the children.

TRIBUTE TO YEOMAN FIRST CLASS PETTY OFFICER TIMOTHY JOHN POLLARD

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mrs. FOWLER. Mr. Speaker, it is a pleasure for me to pay tribute today to a truly outstanding gentleman: Yeoman First Class Petty Officer Timothy John Pollard, who will soon be completing his assignment as the Office Manager for the Navy's Office of Legislative Affairs in the Rayburn House Office Building. Petty Officer Pollard's professionalism, kindness, and wonderful personality have endeared him to many of us on the Hill, and we shall miss him very much.

A native of Philadelphia, PA, Tim Pollard enlisted in the Navy in 1981. After basic training and Yeoman "A" School, he was assigned to Patrol Squadron 46. In 1985, he was assigned to the Office of the Chief of Naval Operations on the liaison staff for all Joint Chief of Staff matters. In 1989, he was assigned as Leading Petty Officer of the Plans and Exercise Department for the Commander 6th Fleet aboard the USS *Belknap* (CG-26) homeported in Gaeta, Italy.

Returning to Washington, DC, in 1992, Petty Officer Pollard served as Administrative Officer for the Communication Department for the Armed Forces Inaugural Committee. In 1993, he was assigned to the Chief of Naval Personnel, assisting in the initial assignments of women to combatant ships; the transfer of personnel from decommissioned ships; and the reassignment of personnel from numerous fleet ships executing homeport changes.

Petty Officer Pollard reported to the Navy Legislative Affairs Office in November 1994. Since that time, he has efficiently and effectively managed the Rayburn HOB Office, handling countless inquiries relating to naval personnel and assisting in the organization of many Navy orientation trips which have been beneficial to Members and staff alike.

During Tim Pollard's 15-year naval career, he and his family have made many sacrifices for this Nation. I would like to thank them all—Tim, his lovely wife, Veronica, and their three

children, Taviona, Nadia, and Tim, Jr.—for their contributions to the Navy and to our national security. We owe all of our Navy families a great debt of gratitude.

Mr. Speaker, Yeoman First Class Petty Officer Pollard is a great credit to the U.S. Navy and the country he so proudly serves. As he prepares to depart for yet another new challenge, I know that my colleagues on both sides of the aisle join me in wishing him every success, as well as fair winds and following seas always.

REFORM THE AAPCC PAYMENT FORMULA FOR GREATER MEDICARE EQUITY AND FAIRNESS

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. RAMSTAD. Mr. Speaker, throughout the 104th Congress, many Medicare concerns have been raised that have a significant impact on access to health care throughout Minnesota and ultimately to the health and well-being of our Nation's health care system.

Today, I rise to share some thoughts on an issue which knows no distinct, definable boundary. It is an issue of great importance to Medicare beneficiaries and health care providers in my district—reforming the payment for Medicare risk-based managed care plans.

But, before I delve into my statement, I want to take a moment to salute and thank my good friend and colleague from western Wisconsin, STEVE GUNDERSON. I commend him for his tireless commitment to improving access to and delivery of quality health care in rural communities. During this Congress, as cochair of the Rural Health Care Coalition, STEVE literally took the bull by the horns to respond to a variety of health care issues, especially the need to reform the payment formula for Medicare risk-based managed care plans.

Currently, Medicare payments to risk-based health care plans are calculated on the basis of Medicare spending in each county's fee-for-service section—medical care outside of managed care plans. The variation in the adjusted average per capita cost [AAPCC] formula reflects different utilization of health care services.

Dr. John E. Wennberg, director of the Center for the Evaluative Clinical Studies at the Dartmouth Medical School recently published "The Dartmouth Atlas of Health Care." The Atlas definitely documents that the rates of hospital beds and physicians per 1,000 residents determines how much care Medicare beneficiaries use. Revising the highly variable AAPCC payment formula will result in greater equity for Medicare beneficiaries regardless of where they live, allowing choices among plans and more equitable distribution of out of pocket costs and additional benefit packages.

Because of the need to correct the inequity in the AAPCC payment formula for millions of Medicare beneficiaries, I strongly supported changes to the formula during the Ways and Means Committee consideration of the Medicare Preservation Act. Regrettably, progress may be by this Congress to reform our Medicare Program, including the geographic disparity and inequities in the AAPCC formula, was vetoed by the President.

Since that time, I have continued to be concerned about this issue and am an original cosponsor of Mr. GUNDERSON's H.R. 3753, the Rural Health Improvement Act. This legislation incorporates a number of rural health care reforms including improvements to the AAPCC payment formula.

Title I of this legislation narrows the AAPCC payment gap between rural and urban areas by ending the practice of basing the formula on utilization rates, and it does so in a budget neutral fashion. At a minimum a county would receive 80 percent of the national input-price-adjusted capitation rate. This change helps reflect the true cost of doing business—uncontrollable factors, such as wage rates or supply costs. The language also implements a 3-year average for the baseline rather than 1 year, which was in the Balanced Budget Act of 1995. This change gives greater representation of historical health care costs for an area. This provision of H.R. 3753 is based on the

Physician Payment Review Commission's "1996 Annual Report to Congress."

Realizing reforms to the AAPCC formula are not doable in the remaining days of this Congress, it is helpful to know where the debate will begin in the 105th Congress.

About a week before this hearing, the Health Care Financing Administration [HCFA] released the 1997 payment rates for Medicare managed care plans. What HCFA told us was nationally Medicare risk payments will increase an average of 5.9 percent as of January 1, 1997—lower than the 1996 national average increase of 10.1 percent.

In terms of the solvency of the Medicare trust fund this is good news—slowing the growth of Medicare. The bad news is that this average increase reflects wide variation in percentage increases from county to county. Four counties: Valencia, NM; and three New York State counties, Bronx, Monroe, and New York, actually will receive negative percentage de-

creases. Because the actual dollar variations are also extreme, many low-payment areas get a double whammy—lower percentage increases off of a lower base.

This situation continues a trend which is inherent in the flawed payment formula. The table below illustrates the vast variation between counties across the country. I believe it is important to point out that even through the 1996 AAPCC payment increased an average of 10.1 percent, not all counties shared in the bounty of that increase. The same is also true for the 1997 AAPCC payments.

Counties that typically lost ground were those in efficient markets and rural counties with historically lower reimbursement rates. Because of these lower payment rates and lower annual increases these regions will continue to lack the ability to attract managed care options to their area or offer enhanced health care benefits often found in higher payment communities.

MONTHLY PAYMENTS RATES TO MEDICARE MANAGED CARE PLANS

Area/County	1995 payment	1995 increase (percent)	1996 payment	1996 increase (percent)	1997 payment	1997 increase (percent)
National Average .....	\$400.52	5.9	\$440.90	10.1	\$466.95	5.9
Richmond, NY .....	668.48	6.2	758.53	13.4	767.35	1.1
Kern, CA .....	439.15	5.8	478.33	8.9	512.08	7.0
Hennepin, MN .....	359.33	2.0	386.77	7.6	405.63	4.8
Tulare, CA .....	333.96	2.9	360.38	7.9	390.78	8.4
Vernon, WI .....	209.28	6.6	237.09	13.2	250.30	5.5

The payment rates also illustrate the overall instability and unpredictability of AAPCCs—factors that discourage health plans from entering new markets and remaining in other markets.

If there is a silver lining to HCFA's release of the 1997 risk-based managed care payment rates it was in Dr. Vladeck's remarks:

The formula used to set HMO payment rates is flawed. It shortchanges rural areas and markets where care is delivered more efficiently, and may limit beneficiary choice.

Dr. Vladeck's comments indicate HCFA's understanding of the inequity in the current AAPCC formula and the need for change if we are to offer all Medicare beneficiaries true choices in the type and form of health care they want to receive. I see this as a signal that in the future we can work in a bipartisan, pragmatic way to improve the AAPCC payment formula.

Mr. Speaker, correcting the AAPCC payment formula is vital. In this Congress, we have come a long way to improve our understanding the many dimensions of the AAPCC payment issue and the need to make the formula more equitable. I look forward to working with you and my colleagues on the Committee on Ways and Means in the future to make the needed changes to the AAPCC payment formula. The longer we continue to use our payment current formula, the longer efficient health care markets will be penalized and rural areas will lag behind leaving many Medicare beneficiaries with fewer choices.

#### JUSTICE ON TIME ACT OF 1996

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. GOODLING. Mr. Speaker, today, I am pleased to introduce the Justice on Time Act

of 1996, legislation which would address the profound concern expressed by several of my constituents who have experienced long delays in the processing of their cases by the National Labor Relations Board [NLRB]. The Justice on Time Act of 1996 would require the NLRB to issue a final decision within 1 year on all unfair labor practice complaints where it is alleged that an employer has discharged an employee in an attempt to encourage or discourage union membership.

The Justice on Time Act recognizes that the lives of employees and their families, wondering whether and when they will get their jobs back, are hanging in the balance during the long delays associated with the National Labor Relations Board's processing of unfair labor practice charges. The act also recognizes that the discharge of an employee who engages in union activity has a particularly chilling effect on the willingness of fellow employees to support a labor organization or to participate in the types of concerted action protected by the National Labor Relations Act [NLRA].

Thus, the legislation requires the Board to resolve discharge cases in a timely manner to send a strong message to both employers and employees that the NLRA can provide effective and swift justice. The Justice on Time Act ensures that employees who are entitled to reinstatement will quickly get their jobs back and employers will not be saddled with liability for large backpay awards.

The median time for National Labor Relations Board processing of all unfair labor practice cases in fiscal year 1995 was 546 days and has generally been well over 500 days since 1982. This length of time is a disservice to the hardworking men and women who seek relief from the Board for unfair treatment in their workplaces. The Justice on Time Act tells the National Labor Relations Board that, at least when it comes to employees who may have wrongly lost their jobs, it must do better and must give employees a final answer on

whether they are entitled to their jobs back within 1 year.

#### NINTH ANNIVERSARY OF KHALISTAN'S DECLARATION OF INDEPENDENCE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. SOLOMON. Mr. Speaker, on October 7, 1987, the Sikh Nation declared its independence from India, calling their new country Khalistan. Since we will be in recess on October 7, I would like to take this opportunity to salute the Sikhs of Khalistan on this important anniversary.

The Sikhs have every reason to want freedom from oppression. Since 1984, over 150,000 Sikhs have been murdered by the Indian regime. Another 70,000 or more languish in Indian prisons under the very repressive Terrorist and Disruptive Activities Act, which expired in March 1995. According to respected Justice Ajit Singh Bains, who has testified before the Congressional Human Rights Caucus before the regime prohibited him from leaving the country, more than 50,000 Sikhs disappeared or were killed from 1992 to 1995. If this happened in any other country, we would call it repression. In India, however, it is called democracy.

The Sikhs of Khalistan showed their clear demand for freedom in February 1992 when, according to India Abroad, only 4 percent of the Sikhs voted in the Punjab state elections held under the Indian Constitution, which no Sikh ever signed. The Sikhs have a history of freedom and independence. The Sikhs ruled Punjab from 1710 to 1716 and from 1765 to 1849. When India achieved independence, the Sikhs were one of three nations that were to

be granted sovereign power. They stayed with India on the promise that they would enjoy freedom and autonomy in Punjab. As India's record of repression shows, that promise has never been kept. Yet when the Sikhs embarked on a peaceful struggle to free themselves from the chains of repression, the Indian regime responded by increasing the reign of terror in Punjab and enforcing it with over 500,000 troops. The British colonists never stationed 500,000 troops in the entire sub-continent.

Mr. Speaker, India is one of the most anti-American countries in the world. Although it is a major recipient of United States aid, India votes against the United States at the U.N. more than any other country except Cuba. I might add by the way, that this aid has been an economic debacle as well as having failed to buy any good faith from India. After 50 years on the international dole, India remains a highly impoverished land, shackled by a statist and corrupt government bureaucracy. Given India's anti-Americanism and its aggressive nuclear weapons drive, I must wonder out loud why we continue to drop our money into this black hole.

As to the Sikhs, Mr. Speaker, all they are asking for is just a chance to determine their future, free from this severe repression. Is this too much too ask?

#### TRIBUTE TO WILLIAM BROWER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Ms. KAPTUR. Mr. Speaker, I rise today to note the recent retirement from the Blade newspaper of Toledoan William Brower, a well-known veteran journalist of more than 50 years. He became one of the first African-Americans to work for a daily Ohio newspaper. He was officially recognized this year by the National Association of Black Journalists for its Lifetime Achievement Award.

A Wilberforce University graduate, Bill began his journalism career writing for African-American newspapers in Baltimore, Philadelphia, and Richmond, VA. Hired by Toledo's newspaper, the Blade, in 1947, Bill began as a general assignment reporter. Throughout his years with the paper, he held positions covering the police, courthouse, and education beats, and served as an assistant city editor, news editor, and associate editor. His thrice weekly editorial columns covering politics, sports, and topics of interest to African-Americans became a staple of Toledo area news.

In 1951 he was awarded a Pulitzer Prize nomination for a series of stories written after a tour of 20 States on the conditions experienced by black Americans. In 1971, he followed that story with a series, "Black America—20 Years Later," which won him a Robert F. Kennedy Foundation Award.

The National Association of Black Journalists paid tribute to Bill for his "pioneering spirit" and "outstanding leadership in the media industry." The same can be said of his role in our community. Bill Brower and his wife Edna have been groundbreakers, trailblazers, and voices of strength and wisdom, in Toledo. Their dedication to one another continues to be a source of inspiration to us all. His

writings have often required us to look at a reflection of ourselves, and in doing so, have moved us to become better people.

No commendation could sum up fully half a century of journalistic achievement. But in honoring his life, the Blade has endorsed independent thought and the advancement of our common heritage as a free people.

#### WORLD OSTOMY DAY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. CARDIN. Mr. Speaker, as many of my colleagues know, I am a strong proponent of updating Medicare to include coverage of important preventive benefits. One of the most important preventive benefits we can add to Medicare is colon cancer screening.

Today, I would like to bring to the attention of my colleagues the existence of an important upcoming date: October 5, 1996. This day has been set aside by the United Ostomy Association and the International Ostomy Association to celebrate World Ostomy Day. This day will provide an opportunity for us all to increase our awareness and understanding of ostomy and continent rehabilitation and the disease that can lead to this type of surgery.

An estimated 750,000 people in the United States have had ostomy surgery. Ostomy refers to a surgical procedure that replaces normal bodily function in providing a cure for colon and rectal cancers, inflammatory bowel diseases including colitis and Crohn's disease, birth defects, and severe internal injuries.

Approximately 60 percent of all ostomy surgeries are performed as a result of colon cancer. Colon cancer is the second most common cancer in America and, contrary to popular belief, it strikes men and women equally. There are more than 140,000 new cases diagnosed each year, and more than 55,000 men and women die of this cancer annually. Like most cancers, early detection of colorectal cancer is crucial to the survival of those diagnosed with this deadly disease.

The United Ostomy Association provides psychological and educational services and support for individuals, and their families, who face ostomy or continent surgery. Education and awareness help to remove the fear and misunderstanding associated with ostomy surgery and encourages the continuation of a full and productive life after surgery. The United Ostomy Association has over 35,000 members in chapters throughout the United States and Canada.

Through World Ostomy Day, the United Ostomy Association and the International Ostomy Association seek to inform persons with an ostomy or continent procedure of the support and assistance services that are available through their chapters and to encourage a better understanding and acceptance of people who have had ostomy or continent surgery. I commend these organizations for their important work with those who must undergo ostomy surgery and for helping to education us all.

During this session of Congress we have made a strong case that Medicare reform must be more than simply slashing reimbursement levels. If we want true Medicare reform,

we must update the program so that it can take advantage of medical technological advances. Preventive care such as colon cancer screening is a perfect example of such needed improvement. Not only will the inclusion of colon cancer screening save lives, it will also save money in the long-run. Including colon cancer screening in Medicare is a win-win situation. I will be reintroducing my legislation, the Colon Cancer Screening and Prevention Act, next Congress and look forward to working with my colleagues to gain passage of this important component of Medicare reform.

#### CHICAGO STREET RENAMED TO HONOR RAOUL WALLENBERG—TRIBUTE TO THE EFFORTS OF JAN MULLER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. LANTOS. Mr. Speaker, on the 5th of October in 1981, President Ronald Reagan signed bipartisan legislation making Raoul Wallenberg an honorary citizen of the United States—the second individual after Sir Winston Churchill to be so honored. That legislation, Mr. Speaker, was the first bill that I introduced as a Member of Congress, and it was my first bill to become law.

Mr. Speaker, I am delighted to bring to the attention of my colleagues in the Congress the information that the City Council of Chicago—at the request of Jan Muller and the Raoul Wallenberg Committee of Chicago—has approved the creation of "a salient place where America can pay tribute to a magnificent Hero—Raoul Wallenberg." The area, to be named the Raoul Wallenberg Place, is located on State Street between Wacker Drive and Lake Street.

It is most appropriate that we in the United States honor Raoul Wallenberg. It was at the request of the Government of the United States that Wallenberg—a member of the leading banking family of Sweden—left the security and comfort of Stockholm in the summer of 1944 and traveled to the hell and chaos of Budapest under Nazi occupation. Through innovative and creative confrontations with Nazi officials, Wallenberg saved the lives of tens of thousands who otherwise would have been killed by the Nazi war machine.

Mr. Speaker, the dedication and the formal renaming of "The Raoul Wallenberg Place" will take place on Friday, October 4, at 10:30 a.m. at the intersection of Wacker Drive and State Street in Chicago. The timing of the dedication has been chosen to coincide with the 15th anniversary of the signing of the legislation naming Raoul Wallenberg an honorary U.S. citizen. The first announcement of the Chicago City Council's decision was made on August 4 this year, the 84th birthday of Wallenberg. Among those participating in the dedication ceremony next week will be Chicago Alderman Burton F. Natarus, Consul General of Israel Arthur Avnon, and distinguished representatives of the Jewish and Christian communities in the Chicago area.

Mr. Speaker, I want to pay particular tribute to Jan Muller. This tribute to Raoul Wallenberg is in response to a proposal he made to the Chicago City Council. Mr. Muller's steadfast

commitment to honoring Raoul Wallenberg has been an inspiration to all throughout the world who honor this great Swedish humanitarian. Jan is the founder and president of the Raoul Wallenberg Committee of Chicago, an organization that is dedicated to humanitarian education. Mr. Muller is the founding president and managing director of the NordicCenter, dedicated to enhancing Scandinavian cultural arts and business in North America.

Mr. Speaker, I invite my colleagues to join me in commending Jan Muller and the City Council of Chicago for this outstanding and appropriate tribute to Raoul Wallenberg.

#### TAIWAN ANNIVERSARY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. RICHARDSON. Mr. Speaker, October 10 marks the 85th anniversary of the founding of the Republic of China [ROC]. In Taiwan, October 10 is known as National Day and is a day of celebration and remembrance. I think it is important my colleagues and I take a moment to send our congratulations to the 21 million people on Taiwan for promoting market-orientated solutions to their economy and developing a strong participatory democracy.

Mr. Speaker, three decades ago Taiwan was an underdeveloped nation. During the past 30 years, the people on Taiwan have worked diligently, saved much, and invested wisely. Today, the ROC is the United States' sixth largest trading partner and enjoys a standard of living which approaches the United States. Ten years ago, the ROC also began a political transformation to democracy beginning with legislative elections. These reforms culminated with the popular, direct election of Li Teng-hui as Taiwan's President.

Mr. Speaker, Taiwan has always shown that it can overcome adversity and achieve success. Taiwan proved that again earlier this year when the People's Republic of China [PRC] attempted to interfere in Taiwan's presidential elections by staging military maneuvers in the Taiwan straits. The people of Taiwan, however, did not permit the PRC to tamper with this exercise of their democratic rights. The strength and perseverance of the people on Taiwan is a lesson for all the world. I hope my colleagues will join me in wishing the ROC continued success.

#### FASCIST AND COMMUNIST ERA CONFISCATIONS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing a resolution that takes up the difficult, complex, and challenging issue of property claims arising from Fascist and Communist era confiscations. Joining me as original cosponsors are Representatives PORTER, WOLF, FUNDERBURK, SALMON, HOYER, MARKEY, and CARDIN and we welcome others who would want to cosponsor the measure. The resolution brings focus to points long

raised by Americans who have unresolved property claims and particular issues which were the subject of a hearing on property claims in Central and Eastern Europe held in July by the Helsinki Commission, which I chair.

In convening that hearing, Mr. Speaker, the Helsinki Commission sought to address two specific questions. First, as Central and East European countries privatize and, in some cases, make restitution of, or compensation for, property that had been wrongly confiscated in the past, are the interests of American citizens being adequately protected?

Second, we sought to examine the situation of Holocaust survivors in Central and Eastern Europe. While survivors in the West and in Israel were, in general, able to receive some compensation—primarily from Germany—at the end of World War II, survivors in the East found themselves twice victimized: first by the Nazis, and then by Communist regimes which prevented them from pursuing compensation claims and often prevented them from regaining lands expropriated by the Nazis. Our second question, therefore, was this: Can compensation now be made available to these survivors—in time to help them live their remaining days in dignity?

The Commission received expert testimony from two individuals who lead our Government's efforts in this area: Stuart E. Eizenstat, Undersecretary of Commerce and Special Envoy for Property Claims in Central and Eastern Europe, and Delissa A. Ridgway, Chair of the Foreign Claims Settlement Commission.

Mr. Speaker, our witnesses' testimony, augmented by significant information provided by nongovernmental sources, provided clear answers to our questions. While some progress has been made in every country in Central and East Europe, more progress is needed. Our resolution seeks to send that message to the countries of Central and Eastern Europe and, in particular, calls for the urgent return of property formerly belonging to Jewish communities as a means of redressing the especially compelling problems of aging and often destitute survivors of the Holocaust.

Also, in some countries, the rights of Americans are clearly not being adequately protected. I understand, of course, that property restitution or compensation is a very complex subject, and I commend those countries that have sought to address it and sought to correct the past wrongs of Fascist and Communist regimes. But those efforts will fall far short of their mark if they perpetuate a new form of discrimination—discrimination against individuals who dared flee communism and sought refuge here in the United States. Accordingly, this resolution calls for countries to remove from their books restrictions which require claimants seeking compensation or restitution to have the citizenship of, or residency in, the country from which they seek compensation or restitution.

Finally, Mr. Speaker, this resolution would be incomplete if it did not also address the related problem of those financial institutions, notably Swiss banks, which are known to have converted for their own use, financial assets rightly belonging to Holocaust victims. The measure I introduce today calls on such financial institutions to restore this property to its rightful owners. A resolution of this inexcusable wrong is long overdue.

Mr. Speaker, I urge my colleagues to support this resolution.

IN HONOR OF ST. JOSEPH'S SCHOOL FOR THE BLIND: CONTINUING TO MAKE A DIFFERENCE IN THE LIVES OF SO MANY IN THE STATE OF NEW JERSEY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. MENENDEZ. Mr. Speaker, I rise today to pay special tribute to St. Joseph's School for the Blind, an institution devoted to educating individuals with blindness and visual impairments for more than a century. The school's services and facilities have done much to bring a sense of hope and accomplishment to many special students in New Jersey. On October 7, 1996, the St. Joseph's School for the Blind will hold a dedication ceremony celebrating the opening of their new residence facility.

As the only school for the blind in the State of New Jersey, St. Joseph's continues to make a difference in the lives of many students in need of services not available in standard academic institutions. The school has become more than a learning institution for these special students, it has become a home, a place where caring individuals provide an opportunity for students to reach their fullest potential in life.

The opening of the new residence facility and the services that it will provide are important to the progress of this institution as we approach a new millennium. This new facility allows the school to offer not only a residential and functional academic education, but also the opportunity to master activities for everyday life. These services aim to help the students become fully integrated members of their communities following their graduation from the school.

I would like to commend the efforts and contributions of the city of Jersey City, the County of Hudson, and the Department of Housing and Urban Development. Their support has helped bring this new facility to fruition.

It is an honor to recognize the unique contributions of this outstanding learning institution. I ask that my colleagues join me in honoring St. Joseph's School for the Blind and all that it has done to keep the dreams of so many children alive.

#### THE HEALTH CARE RESEARCH AND DEVELOPMENT AND CONSUMER PROTECTION ACT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. SANDERS. Mr. Speaker, the U.S. taxpayer is the single largest supporter of biomedical research in the world, spending \$33 billion—in 1994 alone—for biomedical and related health research. Yet the taxpayer is not getting a fair return on their investment—paying twice for health care inventions, first as taxpayers and second as consumers.



It is incumbent upon the Secretary of Health and Human Services to require a reasonable relationship between the pricing of drugs, the public investment in those drugs, and the health and safety needs of the public. Unfortunately, taxpayer accountability was tossed aside when the Nation's reasonable pricing policy on drugs—which was put in place by the bush administration—was dropped in April 1995.

The reasonable pricing clause was dropped after extensive review of the policy, even though the review resulted in no certain recommendations. The rationale for this decision was that "the pricing clause had driven industry away from potentially beneficial scientific collaborations with the Public Health Service." Yet, there was no hard evidence given during the review to show that this was the case—only anecdotal stories by the drug industry.

When 42 percent of all U.S. health care research and development expenditures is paid for by the taxpayer, and 92 percent of the cancer drugs developed since 1955 were developed with Federal funding, we owe it to the taxpayer to give them a fair return on their investment with a reasonable price on the drugs they paid to develop. The Health Care Research and Development and Consumer Protection Act reinstates the reasonable pricing clause and gives the Secretary of HHS the authority to waive the clause when it is determined to be in the public interest to do so.

In determining a reasonable price for a drug, the Secretary shall consider—

The public interest in continued health care research and development;

The contribution of the person marketing such drug to the drug research and development expenses, including the amount, timing, and risk of investment in such research development;

The contribution of the Federal Government to the research and development of such drug, including the amount, timing, and risk of investment in such research and development;

The therapeutic value of such drugs;

The number patients who are expected to purchase drug;

The cost of producing and marketing of such drug;

The cost of therapies which are similar to the therapy using such drug; and

Other relevant factors.

In addition to restoring the reasonable pricing clause, this legislation will promote the research and development of new drugs by requiring the Secretary of Health and Human Services to adopt rules which set out minimum levels of reinvestment in research and development for persons engaged in the manufacture of drugs sold in the United States.

I urge my colleagues to restore accountability to the U.S. taxpayer and support The Health Care Research and Development and Consumer Protection Act.

"IT MATTERS WHEN AMERICA TAKES THE LEAD"—MADELEINE K. ALBRIGHT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Ms. ESHOO. Mr. Speaker, in an era of increasing interdependence, no one nation

alone can solve problems that cross national borders. That's why the United Nations [U.N.] was founded 50 years ago. In the last half of this century, the U.N. continues to address international social and economic problems such as terrorism, nuclear proliferation, the spread of disease, environmental degradation, and illicit drug trafficking.

The United Nations is essential: the U.N.'s work benefits the United States and advances America's foreign policy. As the only international organization seeking to save succeeding generations from the scourge of war, U.N. peacekeepers and human rights monitors have helped build democratic forms of government and prevented regional and global conflicts. In an era of stringent domestic budgets, it makes sense to work through the United Nations to solve transnational problems. The United Nations is an investment in the future of our children and the children of the world.

Making the United Nations more efficient: The United Nations has begun to implement internal reforms as the organization prepares for the next century, and yes, there is much that remains to be done. However we, as members of the United Nations, cannot seek reform when we have refused to meet our financial obligations. As U.N. Ambassador Madeleine Albright recently stated, "To achieve reform, you have to be a builder, not a destroyer; you have to embrace change, but you also have to understand that change does not occur without cost."

Our continued commitment: Our concerned constituents are sending personal checks to the United Nations to demonstrate their concern about our financial obligations to the United Nations. These Americans believe the U.N.'s goals are being hindered by the \$1 billion in back dues the United States has withheld. In fact, a recent poll conducted by the U.N. Association indicates that fully 64 percent of Americans believe the Congress should allocate enough resources to pay our dues in full and on schedule.

That's why I'm introducing a concurrent resolution recognizing the important of the United Nations and calling on the United States to meet our financial obligations in a full, timely, and consistent manner. Paying our dues and supporting the ongoing reform efforts will help the United Nations to effectively and efficiently meet the challenges of the 21st century. I urge my colleagues to support this important measure.

#### WHITE COLLAR REFORM ACT

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. PETRI. Mr. Speaker, today I am introducing a bill to clarify and modernize the white collar exemption in the Fair Labor Standards Act. I hope this bill will receive close attention in the next Congress.

The Fair Labor Standards Act enjoys a unique status among Federal labor laws. The rights it creates, including the minimum wage and the 40-hour workweek, have become as ingrained as constitutional guarantees. Any attempt to tinker with the FLSA is immediately perceived as an attack on these basic rights or at least is so portrayed by political opponents.

It is now becoming increasingly apparent, however, that more than a half century of hands-off politics has left a law that is seriously out of step with the times. No one is suggesting that the FLSA's fundamental precepts should be rethought in any way. Rather, it is the way the law achieves these ends that needs improvement.

Two relatively recent developments have brought the issue to a head. First, disgruntled employees have begun to use the FLSA's salary basis test as a tool—not for logically distinguishing exempt from non-exempt employees—but rather for seeking revenge. The problem would not be so bad if it were limited to a few individual overtime awards; but it is not. Instead, seizing upon a single two-word phrase in the regulations, employees have argued that everyone theoretically "subject to a technically flawed payroll policy is entitled to the same windfall—regardless of whether the flaw affected any particular employee's pay. Employers, of course, rarely issue separate payroll policies for different groups of exempt employees; thus, every employee, up to the top levels of the corporate boardroom, becomes an equally viable candidate for unexpected largesse. The potential overtime liability is as enormous as it is irrational.

Second, and just as disturbing, is the increasing arbitrariness of FLSA duties tests. Concepts such as discretion and independent judgment have always been difficult to define, but these problems seemed manageable in the era of assembly lines and hierarchical management structures. Today, however, technology has diversified job duties, service-based employment has proliferated, and even old-line manufacturing operations have moved to team management concepts. In this environment, employers can no longer rely on cookie-cutter paradigms in making duties judgments. Employers often have to guess—and too many are guessing wrong. Even the courts struggle to achieve consistency, reaching irreconcilable results in cases involving the growing ranks of quasi-professionals such as accountants, engineers, insurance professionals, and journalists.

The legislation I am introducing addresses these problems in three separate ways. First, my proposal will restore original understandings of the salary basis test by requiring the Department of Labor, and the courts, to focus on actual pay reductions rather than speculation as to potential deductions under some nebulous policy. The FLSA still will protect exempt employees from inappropriate practices, since regulatory provisions denying exempt status for actual salary deductions would remain unchanged. My legislation, however, will prevent employees from using a policy's theoretical application to extort huge overtime windfalls for company-wide classes of highly-paid employees who never could have imagined themselves as non-exempt laborers.

Second, my proposal will address perhaps the most confusing and indefensible requirement among the FLSA's duties tests: the attempted distinction between production and management workers. Under current regulations, for example, an administrative assistant might meet exemption standards simply by opening a management executive's mail and deciding who should handle it, because such a job is directly related to management policies or general business operations of (the) employer or (the) employer's customers. On

the other hand, employees with far more sophisticated, challenging, and lucrative jobs may be nonexempt simply because they work on production tasks. The regulations reasonably expect an administrative employee to exercise a certain level of discretion and independent judgment, and my legislation would not alter that requirement. There is no reason to think, however, that a production or management label on the object of an employee's discretion or judgment has anything to do with that employee's professionalism, or the need for FLSA protections. Therefore, my bill eliminates the requirement that the employee's exercise of discretion and judgment be directly related to management policies or general business operations of (the) employer or (the) employer's customers.

Third, and perhaps most significantly, my legislation would directly reverse the recent trend toward questionable overtime awards for highly compensated employees by creating an income threshold exempting the highest stratum of the workforce from FLSA scrutiny. There is no reason that the FLSA, which was passed to protect laborers who toil in factory and on farm helpless victims of their own bargaining weakness should ever be interpreted to protect workers making high five-figure or six figure incomes. Yet, without considering the policy implications, courts are reaching such conclusions on an alarmingly frequent basis.

A worker drawing a large salary must perform some valuable job duty for an employer. Why, then, should that employer have to satisfy a complex set of artificial and archaic duties tests to prove that the employee is valuable? A worker drawing a large salary also must possess considerable bargaining leverage. Why then, should employers be forced, regardless of the employee's needs or preferences, to calculate paychecks only in the inflexible manner dictated by government salary basis regulations?

The FLSA, in nearly six decades, has strayed from its laudable goal of protecting the poorest and weakest laborers from workplace abuses. The Department of Labor, and the courts, need to refocus their efforts in this direction. My proposal would go a long way—both by directly exempting highly paid employees and by making long overdue adjustments to the salary and duties tests—toward providing this new direction. I ask that a copy of the bill be printed in the RECORD at this point.

#### A BILL

To amend the Fair Labor Standards Act of 1938 to prescribe a salary base for an exemption of an employee from the wage requirements of such Act and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE AND REFERENCE.

(A) SHORT TITLE.—This Act may be cited as the "White Collar Reform Act".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provisions, the reference shall be considered to be made to a section or other provision of the Fair Labor Standards Act of 1938.

#### SEC. 2. SALARY EXEMPTION.

(a) EXEMPTION AMENDMENT.—Section 13(a)(1) (29 U.S.C. 213(a)(1)) is amended by adding after "(1)" the following: "any employee whose rate of annual compensation is not less than \$40,000 or".

(b) DEFINITION.—Section 13 (29 U.S.C. 213) is amended by adding at the end the following:

"(k) For purposes of subsection (a)(1)—

"(1) the term 'annual compensation' includes all amounts reportable to the Internal Revenue Service for Federal income tax purposes by an employee's employer;

"(2) an employee's rate of annual compensation shall be determined without regard to the number of hours worked by the employee and shall be prorated for any employee who does not work for an employer during an entire calendar year to reflect annual compensation which would have been earned if the employee had been compensated at the same rate for the entire calendar year; and

"(3) reasonably anticipated bonuses, commissions, or other elements of annual compensation not paid on an evenly distributed bases throughout the year may be prorated over an entire calendar year or over the portion of the calendar year worked by the employee for the employer in determining the employee's rate of annual compensation."

#### SEC. 3. ADMINISTRATIVE EXEMPTION EMPLOYEE.

Section 13 (29 U.S.C. 213), as amended by section 2(b), is amended by adding at the end the following:

"(l) The relationship between an employee's job duties and the management policies or general business operations of the employee's employer or employer's customers shall not be considered in determining whether such employee is employed in a bona fide administrative capacity for purposes of subsection (a)(1)."

#### SEC. 4. EFFECT OF CERTAIN SALARY PRACTICES.

Section 13 (29 U.S.C. 213), as amended by section 3, is amended by adding at the end the following:

"(m)(1) The fact that an employee is subject to deductions from pay for absences of less than a full day or of less than a full pay period shall not be considered in determining whether such employee is an exempt employee described in subsection (a)(1) when there has not been an actual reduction in pay. For purposes of this paragraph, the term 'actual reduction in pay' does not include any reduction in accrued pay leave or any other practice that does not reduce the amount of the employee's pay for a period.

"(2) The payment of overtime compensation or other additions to compensation based on hours worked in excess of a daily or weekly amount shall not be considered in determining if the employee qualifies for the exemption under subsection (a)(1)."

#### SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act and shall apply to any civil action involving section 13(a)(1) of the Fair Labor Standards Act of 1938 which has not reached final judgment before such date.

#### PROFESSOR HOFFMAN, YOU HAVE MADE A DIFFERENCE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. BARCIA. Mr. Speaker, education is a tool that informs and inspires each of us. And education is immensely influenced by the learned individuals who serve as instructors, teachers, and professors. One of the professors who was a mentor in my instruction was Dr. William S. Hoffman, who on January 1 will be retiring after 32 years at Saginaw Valley State University, my alma mater.

The gentleman has taught some of the most stimulating history classes known to any student. I know how vivid he made some of these events when I was his student. He not only made the event come back to life, he made sure that the significance of it lived on in our understanding and appreciation of what preceded us.

Dr. Hoffman was one of the three original faculty members of Saginaw Valley College, which later became Saginaw Valley State University. He was known for his expertise on Andrew Jackson, one of the key leaders of the Democratic party. Dr. Hoffman is someone who could easily be a member of any President's kitchen cabinet as his expertise provides a clarity of thought that truly allows us to learn from history.

Having taught at Wiley College in Texas, Appalachian State Teachers College in North Carolina, and Bay City Junior College, Delta College, and Saginaw Valley, he has certainly left his impression on great number of students. And with his publication of numerous articles, book reviews, and two books on North Carolina history, he has influenced countless others in appreciating portions of our national heritage.

Dr. Hoffman was certainly deserving of winning Saginaw Valley State University's first Landee Award for teaching excellence. But he will always be remembered as a man who knew history, who imparted its lessons by reliving it in his writings and instruction, and someone who could be counted upon to make a difference for a student, the highest accolade I believe there can be for any academic professional.

Mr. Speaker, as Dr. William S. Hoffman prepares to retire, and his many friends and colleagues at Saginaw Valley State University look forward to feting him prior to his departure, let me urge you and all of our colleagues to join me in wishing this man the very best as he earns his place in history, and moves forward to create even more in his retirement.

#### A TRIBUTE TO THE ST. ELIZABETH COMMUNITY HOSPITAL

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. FAZIO of California. Mr. Speaker, I rise today to recognize the Sisters of Mercy of Auburn in celebration of their 19th anniversary of health care ministry through St. Elizabeth Community Hospital, Red Bluff.

St. Elizabeth Community Hospital has been located in Red Bluff since 1906 when Mother Mary Joseph Bolan saw a need for health care and founded the hospital.

Over the past 90 years, St. Elizabeth has demonstrated dedicated service to the community in providing the highest caliber of health care and improving the quality of life and well-being for the families of northern California.

St. Elizabeth Community Hospital is an invaluable asset to the community, and reflects the talents and commitment of the Sisters, the physicians an employees.

Upon this noteworthy occasion, St. Elizabeth Community Hospital deserves the most sincere congratulations and best wishes for a future filled with continued success.

TRIBUTE TO PAMELA ANAGNOS  
LIAPAKIS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mrs. MALONEY. Mr. Speaker, today I rise to pay tribute to Pamela Anagnos Liapakis. Pamela, recently featured in Time Magazine as America's most politically influential and successful trial lawyer, has been named HANAC's 1996 Woman of the Year.

Pamela Liapakis should serve as an inspiration to women throughout the Nation. She served this year as president of the Association of Trial Lawyers of America. She has served as president of the New York State Trial Lawyers Association, and is currently a trustee on the boards of the Rosco Pound Foundation, the Civil Justice Foundation, and ATLA PAC, and LAW PAC, the Federal and State political action committees of the trial bar.

Her accomplishments have won her numerous accolades, including the 1994 National Organization for Women Woman of Power and Influence Award, the 1994 ORT Jurisprudence Award, the 1993 United Jewish Appeal Trial Lawyer of the Year Award, the 1993 Young Adult Institute Advocate Award, and the 1991 Freedom Award from the Institute of Jewish Humanities.

I ask all of my colleagues to join me today, Mr. Speaker, in paying tribute to Pamela Liapakis, an extraordinary Greek-American. She has received the respect and honor of the American legal community by fighting to protect and preserve the individual rights of average citizens. I ask my colleagues to join me in honoring the most recent achievement of a truly remarkable career.

HONORING DOW CHEMICALS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. BENTSEN. Mr. Speaker, I rise to congratulate the Dow Chemical Co. of La Porte, TX, which has been named the 1996 Industry of the Year by the Deer Park Chamber of Commerce. Dow will be honored at a luncheon on November 21, 1996 for their outstanding work in the production of polyurethane chemicals and for their commitment to teamwork, safety and environmental protection. Dow is the fifth largest chemical company in the world and manufactures basic chemicals and plastics.

Along with being a world leader in chemical production, Dow has not lost its focus on safety and environmental protection. I commend their goal of eliminating all injuries and preventing adverse environmental and health impacts. Fundamental to the accomplishment of these impressive achievements have been the 500 employees and contractors in La Porte. The company's commitment to teamwork has encouraged a worker management respect which stresses personal freedom and growth to allow for innovative decisionmaking at all levels of the operation.

Mr. Speaker, many times in the 104th Congress we have talked about how American in-

dustrial needs to continue to be innovative to maintain their position in the world economy. Dow Chemicals in La Porte, TX, exemplifies this innovation and is model for all companies.

DR. VICTOR GRECO, 147TH PRESIDENT OF PENNSYLVANIA MEDICAL SOCIETY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. KANJORSKI. Mr. Speaker, I rise today to bring an important event to the attention of my colleagues. On October 19, 1996, Dr. Victor Greco will be installed as the 147th president of the Pennsylvania Medical Society at a ceremony in Hershey.

Dr. Greco's résumé is long and distinguished. His many accomplishments throughout his long career in medicine began with his graduation from Jefferson Medical College in Philadelphia in 1951. He interned at Philadelphia General Hospital and spent his residency at Jefferson.

By 1963, Dr. Greco was chief of surgery at St. Joseph's Medical Center in Hazleton, PA, his hometown. Following this he became chief surgeon at State General in Hazleton. During his career Dr. Greco has been a member of the advisory council to the Director of the National Institutes of Health, vice chairman of the board of trustees of the Pennsylvania Medical Society, and a member of the State Board of Medicine appointed by then Governor Casey. Dr. Greco was also nominated to serve on President Clinton's National Health Board and was asked to serve on Speaker GINGRICH's Medical Care Reform Advisory Committee.

During his many years of practice, Victor Greco was responsible for developing the first prototype cancer screening clinic in the country, which is still operated by the National Cancer Institute. Dr. Greco trained under Dr. John H. Gibbons, professor of surgery at Jefferson Medical College and Hospital, and assisted in the development of the heart and lung machine. He was a member of the operating team that performed the first successful case of open heart surgery in the world in 1953. He was chairman of the Pennsylvania State Board of Medicine in 1994 and is now president elect of the Pennsylvania Medical Society.

Mr. Speaker, Dr. Greco's medical accomplishments speak for themselves and are a testament to this outstanding and distinguished surgeon. I am proud to have a close personal friendship with this accomplished man. It is with the greatest pleasure and pride that I rise today to bring just a few of these accomplishments to the attention of my colleagues. I send my heartiest best wishes to Dr. Victor Greco on his new leadership position in the Pennsylvania Medical Society and join with his lovely wife Mary Jean, his family and his many friends in congratulating him on this achievement.

CALIFORNIA CIVIL RIGHTS  
INITIATIVE

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Ms. WATERS. Mr. Speaker, the State of California is in the middle of a crucial debate on the future of affirmative action. The so-called California civil rights initiative will be voted on this November 5.

I call to my colleagues' attention the following testimony of Professor David Oppenheimer of Golden Gate University. He prepared this statement on behalf of several California branches of the American Civil Liberties Union. I think it greatly enhances the discussion on this most important public policy issue.

STATEMENT OF DAVID B. OPPENHEIMER

INTRODUCTION

Thank you for giving me the opportunity to submit testimony on behalf of the three ACLU affiliates from California. Since its founding in 1920, the ACLU has had as its primary concern the protection of those civil liberties provided by the United States Constitution, and particularly the liberties protected by the Bill of Rights and the Post-Civil War Amendments. The right to be free of government sponsored race and sex discrimination is central to the opportunity of all Americans to fully participate in our system of democratic self-governance. It is because these rights are imperilled by the CCRI that we wish to address this Committee.

It is no secret that our country has a long and shameful history of discrimination against women and racial, religious and ethnic minority groups. Our very foundation as a nation was dependent on the right of our citizens to own human beings of African descent. Our Constitution required amendment in the wake of the Civil War to establish for the first time under our laws that African Americans were entitled to the same rights as white citizens. It was only in this century that women were first enfranchised, and only late in this century, with the passage of the 1965 Civil Rights Act, that we began to enfranchise African Americans in a meaningful way.

Despite the aspirations of most people, our legacy of discrimination is being felt today. Many believe the reason for continuing discrimination is no longer the virulent diseases of race-hatred and misogyny, but the far more well-hidden problems of unconscious discrimination and stereotyping. Whatever the sources, the effects are plain to see. Highly disproportionate numbers of women and minority group members are poor, hungry and ill-housed. Women and minority group members earn substantially less, and own substantially less, than similarly educated, similarly qualified, white men. Over forty years after *Brown v. Board of Education* most black children attend segregated schools that are far inferior to the national or local standard. Even among those African Americans fortunate enough to become successful members of the American middle class, discrimination is a constant companion.

Dr. Martin Luther King told us in his last sermon that he had been to the mountaintop and seen the promised land. We have not yet arrived in that promised land.

AFFIRMATIVE ACTION TODAY

Because of the glaring inequities caused by contemporary discrimination, many state and local governments have made the policy

decision to act affirmatively to counteract discrimination and create true equality of opportunity. Some have done so because their leaders believe it is the right thing to do. Some have done so to avoid litigation. Some have done so as a condition of receiving federal funds. Whatever their motivation, if they have met the strict limits placed on affirmative action programs by the Supreme Court, they are fully within the laws and Constitution of this country.

"Affirmative action" is a term much used, yet much disputed as to its meaning. In discussing affirmative action, I find it useful to distinguish the four kinds of voluntary affirmative action programs currently used by state and local government. They are:

(1) anti-discrimination programs, such as anti-harassment training, sensitivity training, or diversity training; (2) outreach, recruitment and counseling programs, directed at increasing the number of women or minority group members applying for jobs, promotions, contracts, or school admissions; (3) self-study programs, in which employers or schools study their applicant flow data, admissions decisions, and retention statistics, in order to determine whether they are engaging in discrimination, and sometimes adopt goals and timetables to measure progress in eliminating discrimination; and, (4) preference programs, which range from set-asides to tie-breakers to "one factor in many" programs.

There is a fifth form of affirmative action program, quotas, which, in the affirmative action context, operate as participation floors for women or minority group members. Quotas are not permitted in voluntary affirmative action programs. They are only permitted when approved or ordered by a court as a remedy in a discrimination lawsuit.

Voluntary preference programs, including set-asides, are rarely permitted; they are allowed only as a remedy to discrimination, and only in unusual circumstances as a matter of Constitutional law. Our Constitution puts strict limits on the authority of any unit of government to consider race or sex in its decision making. It is only within these strictly defined limits that sex-based or race-based decision making is permitted, but when these limits are adhered to, the Supreme Court has made it clear that such decision making is Constitutionally proper. In the *Croson* case, and again in the *Adarand* case, the Court held that governmental affirmative action plans that permit race-based or sex-based selections are only permissible if: There is strong evidence that the government adopting the affirmative action program has itself discriminated against the group now being assisted, and that the discrimination has resulted in that group being currently underrepresented in the area addressed by the affirmative action program; the affirmative action program reaches no further than the discrimination it is intended to counteract; the program is limited to the selection of persons or firms fully qualified for selection; the program operates with goals or aspirations, not quotas; the program is limited in time so that it will expire once its goals have been met; and the program does not require the lay-off or termination of existing employees, or the rescission of current contracts.

Under the authority of the *Croson* decision, the City and County of San Francisco held hearings in 1988 to determine why so few of its contracts were with firms owned by women or minority group members. At that time approximately 95% of the dollar value of the City's contracts were with white male-owned firms. The hearings uncovered systemic discrimination in the contract bidding process, leading to a comprehensive affirma-

tive action program. Eight years later, approximately 15% of the City's contract dollars go to firms owned by women or minority group members, while 85% continue to go to white male-owned firms.

The San Francisco plan has received provisional approval from the United States Court of Appeals. Similarly, the County of Santa Clara, whose largest city is San Jose, has adopted a voluntary affirmative action program to increase its hiring of women and minority group members which has been approved by the United States Supreme Court. Despite the fact that these plans have been approved by the federal courts, they will become illegal if CCRI is passed.

#### AFFIRMATIVE ACTION AND THE CCRI

CCRI has two substantive clauses. Clause (a) prohibits certain conduct by state and local government. Clause (c) permits certain forms of sex discrimination.

Clause (a) provides: "The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting."

Clause (c) provides: "Nothing in this section shall be interpreted as prohibiting bona fide qualifications based on sex which are reasonably necessary to the normal operation of public employment, public education, or public contracting."

In addition, CCRI provides at Clause (e) that "Nothing in this section shall be interpreted as prohibiting action which must be taken to establish or maintain eligibility for any federal program, where ineligibility would result in a loss of federal funds to the state."

#### SOURCE OF CLAUSE A

The initiative's authors have stated that their language is based on the Civil Rights Act of 1964. Section 703(a) of Title VII, the analogous section of the 1964 Act, provides:

"It shall be an unlawful employment practice for an employer [or other covered entity] to \* \* \* discriminate against any individual with respect to his \* \* \* employment because of such individual's race, color, religion, sex, or national origin."

There are a number of significant differences between Clause (a) of CCRI and Section 703(a) of the 1964 Act. The most important is CCRI's prohibition of "preferential treatment." Also significant is CCRI's applicability to "groups" as well as individuals, and CCRI's substitution of "ethnicity" for "religion."

#### CCRI AND THE PROHIBITION OF "PREFERENTIAL TREATMENT"

The full meaning of the prohibition of "preferential treatment" must await analysis by the courts. The phrase is one without preexisting legal meaning; it is not a term of art used in civil rights law. In interpreting it, courts will be primarily guided by two principles. First, since it is assumed that all phrases do have meaning, and since it is used in conjunction with a prohibition of "discrimination," it must mean something different from discrimination. Second, since it is not a legal term of art, it should be given its "plain meaning."

On a first read, one might expect that if CCRI passes, its broadest impact will be on preference programs such as the Santa Clara and San Francisco programs. This may not prove to be true. Pursuant to clause (e), CCRI will prohibit such voluntary programs only if their elimination will not affect eligibility for federal funds. If CCRI passes, some communities may successfully argue that their programs are necessary to remain in compliance with federal regulations requir-

ing federal funds recipients to refrain from discrimination. This is a particularly potent argument for those communities that have complied with *Croson* by studying their own behavior, if they have concluded that their own discrimination is the cause of a current underrepresentation.

It other communities, affirmative action plans are likely to be abandoned. But here again, if they have done *Croson* studies, we should expect that federal lawsuits will be filed using the data collected in the study to prove that the government has engaged in intentional discrimination. CCRI cannot limit the remedies available under federal law for a violation of the federal civil rights laws. Thus, where the evidence justifying the plan is sufficient to sustain a judgment, the federal courts will require the plans to continue. The net effect is that in many communities the existence of affirmative action plans will be unchanged, but the authority to govern the plans will pass from elected officials and civil servants to federal judges.

#### IMPACT ON SELF-STUDIES/GOALS & TIMETABLES

In the area of self-studies, and the related area of goals and timetables, CCRI will again have less impact than one might expect. Most self-studies conducted by state and local government are required by federal law. Executive Order 11246 requires employers receiving federal funds to conduct self-studies as a condition of their funding. When such studies reveal an underutilization of women or minority employees compared to the available pool of qualified applicants, the employers are required to adopt goals and timetables designed to increase the number of women and minority employees until they mirror the available selection pool. As a result, state and local governments must utilize self-studies and must adopt employment goals and timetables for women and minorities in order to receive federal funding. Since most publicly funded self-studies and goals and timetables are required as a condition of federal funding, they too are protected by clause (e), and CCRI is unlikely to have a substantial impact on self-studies or goals and timetables.

#### IMPACT ON OUTREACH, RECRUITMENT AND COUNSELING

It is in the area of outreach, recruiting and counseling that CCRI may have its greatest impact. If programs directed at recruiting or counseling women or minority group members are considered a form of preferential treatment, these programs will violate CCRI. This is the position taken by the California Legislative Analyst. In the OLA's report to the Attorney General analyzing the meaning and fiscal impact of CCRI, the Analyst wrote:

"This measure would eliminate affirmative action programs used to promote the hiring and advancement of women and minorities for state and local government jobs, to the extent these programs involve 'preferential treatment.' . . . In addition, the measure would eliminate a variety of public school (kindergarten through grade 12) and community college programs such as counseling, tutoring, student financial aid, and financial aid to selected school districts, where these programs are targeted based on race, sex, ethnicity, or national origin. . . . The measure would eliminate a variety of programs such as outreach, counseling, tutoring, and financial aid used by the University of California and California State University to admit and assist students from 'under-represented' groups."

Unlike preference programs, or self-studies and goals and timetables, there is no federal mandate for the various outreach, recruitment and counseling programs affected by CCRI. As a result, outreach, recruitment and

counseling programs will truly be eliminated if the initiative passes. Examples of such programs include: programs run by the University of California to inform students at minority high schools of the admissions requirements at UC; programs run by the University of California and the California State University to enrich the academic programs at minority high schools; programs run by the University of California and the California State University to encourage minority students to attend college; programs run by the University of California and the California State University to encourage middle school and high school girls to consider careers in math and science; programs run by the state and/or by local governments to inform woman-owned and minority-owned businesses of the criteria for applying for government contracts; programs run by the state and/or by local governments to inform woman-owned and minority-owned businesses of opportunities to bid on government contracts; programs run by the state and/or by local government to inform women and/or minority group members of employment, career or promotional opportunities in government; and programs run by the state and/or by local government to assist women and/or minority group members in establishing their own businesses or applying for government employment.

#### IMPACT ON ANTI-DISCRIMINATION PROGRAMS

In the area of anti-discrimination and diversity promotion programs, it is difficult to assess how much of an impact CCRI will have. For example, many government employers have anti-harassment training programs designed to prevent sexual harassment in the workplace. An argument could be made that such programs constitute preferential treatment for women. It seems unlikely that a court would agree, but it is certainly not out of the question. The same would be true of programs designed to teach racial tolerance.

#### CCRI AND THE OPERATION OF PUBLIC EDUCATION

One substantial area outside of affirmative action will be affected by CCRI. Because it reaches all operation of public education, CCRI is expected to have a major impact on education programs which are not concerned with affirmative action but which do consider race, ethnicity or gender. The existence of university women's centers, for example, will probably be deemed a violation of CCRI. College or university programs designed to serve the needs of, or appeal to, minority students are also vulnerable. These could include counseling programs, social programs, or educational programs. It would almost certainly apply to programs like a black students' union, and might extend as far as community college classes in English as a second language, which are designed for people who are not of U.S. national origin.

In primary and secondary education, there are many voluntary desegregation programs which CCRI would ban. The California Legislative Analyst has concluded: "The measure could eliminate some or all voluntary desegregation programs operated by school districts." Among the savings predicted by the OLA are the costs incurred by all magnet schools, which the OLA views as a form of "preferential treatment."

A third area in the operation of public education within CCRI's purview is the consideration of race, sex and ethnicity for special recognition or accommodation. For example, many school districts inadvertently scheduled the first day of school in 1994 to coincide with the Jewish holiday Rosh Hashannah. In Northern California, a number of civil rights and Jewish community groups lobbied school district administrators to change the opening day in order to permit

Jewish students to attend the first day of school without violating their religious observation. A series of federal civil rights cases have recognized that for the purpose of the civil rights laws the Jewish people are a race. In addition, Jews may be considered an ethnic group. As a result, under CCRI, such preferential treatment for Jews would be unconstitutional. Similarly, a school's decision to recognize certain ethnic groups through school assemblies, pageants, learning themes, or other diversity awareness programs may constitute preferential treatment based on ethnicity.

#### CCRI'S EXTENSION OF NONDISCRIMINATION LAW FROM INDIVIDUALS TO GROUPS

One of the foundations of American civil rights law is that all rights are held by individuals. For good or for ill, there are no civil rights held as group rights. Thus, the 1964 Civil Rights Act applies only to discrimination against individuals. As a result, an important barrier in discrimination lawsuits is the issue of standing; if an individual cannot allege personal harm, she cannot bring an action. Even in class actions, the group is defined as a group of individuals who have suffered individual harm.

Somewhat surprisingly, however, CCRI prohibits discrimination against and preferential treatment for not only individuals, but also groups. This may provide its most significant impact. For example, it appears that under CCRI any African American may bring a discrimination claim against a local government asserting race discrimination against blacks, even if she was in no way affected by the discrimination. Similarly, any person who wants to challenge an affirmative action program as granting preferential treatment may do so, as long as she is not a member of the group receiving the preferential treatment. Since the government is usually assessed legal fees if it loses a civil rights suit, we may expect an explosion of litigation if CCRI passes.

#### CCRI, SEX DISCRIMINATION, AND THE CALIFORNIA CONSTITUTION

In 1971, the California Supreme Court interpreted the California Constitution to prohibit sex discrimination by the government unless the government could prove a compelling purpose which withstood strict scrutiny by the court. The phrase "strict scrutiny" is sometimes described as "strict in theory, fatal in fact" because it is virtually unheard of for any government action to survive such scrutiny. It is because of this decision that the California Constitution is said to have a de facto Equal Rights Amendment.

Clause (c) may do substantial damage to the protection now offered California women under the Constitution. The language of the clause was taken from the Civil Rights Act of 1964, which provides at Section 703(e)(1):

"It shall not be an unlawful employment practice for an employer to hire . . . any individual . . . on the basis of his religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise."

In the 1964 Act the BFOQ exception applies only to employment, and even then only in cases involving an "occupational" qualification and only to cases brought under the Act, not cases brought under the Constitution. In interpreting the language under the 1964 Act, the Supreme Court has held that the State of Alabama could refuse to hire women guards at its maximum security prison because the presence of women would encourage the male inmates to attack them. The Court was particularly concerned that the guards would provoke sex offenders in the prison population, but explained that

"there would also be a real risk that other inmates, deprived of a normal heterosexual environment, would assault women guards because they were women." The Court has also suggested that differential hiring policies for women with young children might constitute a BFOQ if "such conflicting family obligations [were] demonstrably more relevant to job performance for a woman than for a man."

CCRI expands upon this allowance of sex discrimination in two critical areas, both of which are presently untested. First, the Supreme Court has ruled that the limitation to "occupational" qualifications is a criminal limitation. By dropping the limitation to "occupational" qualifications, CCRI extends the permitted kinds of sex discrimination which will now be permitted. Second, the BFOQ limitation in the 1964 Civil Rights Act is limited to employment discrimination. CCRI permits BFOQ sex discrimination in education and contracting as well as employment.

If CCRI passes, it will become the primary provision of the California Constitution regarding sex discrimination by government; as such it will probably be held to overrule or amend the current interpretation of the Constitution. Thus, sex discrimination by government in the areas of public education, employment and contracting will only be illegal if the discrimination is not "reasonably necessary to the normal operation of public employment, public education, or public contracting."

In the area of employment, clause (c) will foreclose independent sex discrimination actions under the Constitution, limiting them to the provisions of federal law. It is difficult to assess how broad an impact this will have. In the area of government contracting, contracts may be let to male-owned companies, or (perhaps more likely) companies that only hire men, when it is deemed reasonably necessary that men alone do the work. The most obvious application will be in California's fastest growing industry, corrections. In public education, the clause again may make possible sex-segregated activities which would otherwise be deemed discriminatory. Because the concept of a bona fide qualification based on sex has no precedent outside the area of employment, it is difficult to predict how far the clause will reach. Nonetheless, it clearly opens the doors to discrimination which is now impermissible under the California Constitution.

#### SUBSTITUTION OF ETHNICITY FOR RELIGION

It is not clear why the drafters of CCRI, who claim to have tracked the language of the 1964 Civil Rights Act, substituted "ethnicity" for "religion." But presumably religious discrimination by the government will remain illegal under the California and United States Constitutions' "free exercise" clauses, while religious preferential treatment will remain illegal under the "establishment" clauses. Since the initiative fails to define "ethnicity" it will have to be read as meaning something other than "national origin" (which is also delineated). Given the broad reading currently given to "national origin" this may prove difficult.

#### CONCLUSION

It appears that the greatest impact of CCRI will be in three areas: (1) outreach, recruiting, and counseling programs targeting women and minorities; (2) higher education programs assisting women and minority students; and (3) primary and secondary education programs designed to promote voluntary desegregation. The initiative is likely to have no effect on quotas and little effect on preferences or goals and timetables. In the few cases where quotas are permissible they either are or will be ordered by

federal courts, which are outside the scope of the initiative. In the most of the limited number of cases where preferences are permitted, federal lawsuits will probably be filed to move the authority for the preferences from local government to the federal courts. Most public goals and timetables are adopted to maintain eligibility for federal funding, and will thus be exempt from CCRI. But outreach, recruiting, counseling, assistance and voluntary desegregation programs are not tied to federal funding, and are thus most vulnerable to CCRI.

#### THE 85TH ANNIVERSARY OF THE REPUBLIC OF CHINA

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. KING. Mr. Speaker, October 10 marks the anniversary of the birth of the Republic of China [ROC]. On this occasion, I wish to send my greetings and congratulations to the leaders on Taiwan, especially to President Lee Teng Hui.

For many years Taiwan has been a loyal trading partner of the United States. Its people participate in and fully subscribe to the principles of freedom and democracy. They have worked with the United States on issues ranging from endangered species to trademark infringements. Taiwan is our friend and ally.

One of the ways the United States can help Taiwan is to make sure the ROC has an easy transition into the World Trade Organization [WTO]. Without question their economic status and legal system more than qualify them for membership. The only reason Taiwan has not been admitted to the WTO is the strong objection of the People's Republic of China. While the United States formally recognizes the PRC, we must not allow our relations with the 21 million people on Taiwan to be compromised by the demands of the PRC, and if it were not for the situation with the PRC, they would be a member today. The United States should work to assure the ROC its rightful place at the table in the WTO. Better relations between the U.S. and the PRC must not come at the expense of the 21 million people on Taiwan who must depend on the United States to help promote and defend their interests.

Mr. Speaker, Taiwan is fortunate to have Dr. Jason Hu as the new representative in Washington. Dr. Hu formerly served as the head of the Government Information Office. He replaced Benjamin Lu who has returned to Taipei to serve as an advisor to the President. I also want to take this opportunity to note that several solid officials from the Taipei representative office here in Washington will be returning to Taiwan at the end of the month. Dr. Lyushen Shen, and his colleague Mr. James Huang, have served their country admirably during their time here in Washington.

The October 10 celebration marks the continuance of the friendship between our two countries, as well as the founding of a nation. Again, I congratulate Taiwan on the occasion of its National Day.

#### ESCANABA ESKYMOS CENTENNIAL

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. STUPAK. Mr. Speaker, on October 25, 1996, the Escanaba High School Eskymos football will be celebrating its 100th anniversary. In September of 1897, Escanaba won its first game against St. Joseph Catholic School. It was not the type of football we think of today.

At the turn of the century the usual procedure for organizing a football team was to find a ball, improvise some equipment and find an open field. Most of the uniforms were handmade. What little padding the players had was soft and sewn into their jerseys, and headgear was almost non-existent. Most times the games were arranged by students, as faculty regarded football as a waste of time which interfered with their education. Players would improvise and quarrel over which rules to follow. It was a fast-paced and brutal sport.

Michigan high school football traditionally revolved around fierce rivalries. As documented in 1994 by Michigan History Magazine, Michigan football fans witnessed, the beginning of one of the greatest rivalries and most exciting games in Michigan football history when Escanaba met Ishpeming in 1901. Escanaba played in Ishpeming, a small northern Michigan mining community, and during the second half, two linemen began fighting. Then the two coaches stormed onto the field, followed by fans from both sides, bringing the game to a halt. Police were forced to restore order. Conceding defeat, the Escanaba players walked off the field with 12 minutes left to play, saying that they feared for their lives.

In 1903 Escanaba won its first Upper Peninsula championship and went on to challenge for the State championship title but coming up a little short against Benton Harbor.

Escanaba would rebound to win the State championship in 1904, and again in 1907. In 1908 the Eskymos were 5-0, but the lower Michigan champions from Ann Arbor refused to acknowledge or play the Eskymos for the State championship. By such an unsportsmanlike tactic, Ann Arbor wound up becoming the State champions.

In 1910 the Escanaba Eskymos won eight games against other Upper Peninsula teams, outscoring their opponents 131 points to 10. Escanaba won the Upper Peninsula championship but Detroit Central High School would not play Escanaba for the championship and erroneously, Detroit would hold the State title that year.

Until formal playoffs began in 1975, there would be no more championship games between Upper Peninsula and Lower Michigan teams.

In 1920 Escanaba beat Ishpeming 103 to 0 and one of the star backs on the team put his name into the record books. Marmaduke "Duke" Christie scored 10 touchdowns and 6 extra points for a total of 66 points in one game. This record stands today in Michigan record books as the most points in one game for an individual player.

Beginning in 1962, the Eskymos were coached by Jerry Cvengros, a native of Ironwood, a graduate of the University of Wisconsin and a letterman in football. Coach

Cvengros would go on to coach the Eskymos for the next 23 years and set the all-time winning record for the Eskymos. His teams won 79 percent of their games, won the Upper Peninsula football title nine times, and became runner-up in class A high school football in 1979. They would not lose a single game in 1981 en route to winning the Class A State Title.

Escanaba's last title was in 1989 as the Upper Peninsula football champions. In the 99 years that Escanaba has fielded a football team their all-time record of 512 games puts them in third place for all high schools in the State of Michigan.

This October 25th, the Escanaba Eskymos will host the Menominee Maroons for the 100th meeting of these two long-time rivals.

Mr. Speaker, Members of the U.S. House of Representatives, please join with me in congratulating all Escanaba Eskymo team members, coaches, teachers and fans, past and present, on 100 great seasons! The Eskymos have continued to display their devotion to the game, their sportsmanship and pride in their school teams. The Escanaba Eskymos and their outstanding record of success have made a lasting impact on their community, the Upper Peninsula, the State of Michigan and this Nation. We wish them continued gridiron success!

#### TRIBUTE HONORING ELYRIA UNITED METHODIST CHURCH

HON. PAUL GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and salute a church in my area. This year, Elyria United Methodist Church in Elyria, OH, will celebrate the 100th year of its founding.

Located in Northern Ohio, the church was founded in 1896. Many of the same family names are still in the congregation 100 years later. The vision at its founding a centennial ago was to be a church where people live with God and work for the communal good.

The same vision is true today. The church building has been a source of civic pride for many years and the stately design of the building solidifies its place as a local landmark. A monument such as this does not survive on structure alone, however. The building is a testament to the dedication of the congregation in preserving links to their heritage.

Mr. Speaker, as the church marks its 100th year of service, we commemorate the past and celebrate the future. A new generation continues the exemplary record of community service and pride that distinguishes Elyria United Methodist. I ask my colleagues to join me in honoring this special church.

#### HONORING KMEX-TV CHANNEL 34 ON THE OCCASION OF ITS 34TH ANNIVERSARY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. TORRES. Mr. Speaker, I rise today in honor of Univision and KMEX-TV, Channel



34. On October 3, 1996, KMEX will celebrate its 34th year as one of our Nation's premier Spanish-language television stations.

Founded on September 29, 1962, KMEX has been a pioneer in Los Angeles broadcasting history. The station was the first to change successfully from film to videotape, and use satellite transmission in the news market. KMEX also was the first station nationally to create a Spanish-language morning talk show. Now in its eighth year, the program is the only locally produced morning program in the Los Angeles market, in either English or Spanish. Today, KMEX remains one of the Southland's most innovative stations.

For the past three decades, KMEX-TV has served the Latino community with programs that inform Spanish-speaking viewers on local and world events. The station's programming is broad-based and family-oriented, and aims to educate and entertain. KMEX's news department has received many journalistic awards, including the prestigious Peabody Award. This year, "Noticias 34" received six Golden Mike Awards and is the national recipient of the Edward R. Murrow Award, proclaiming it "America's Best Newscast."

KMEX also maintains a record of public service to our community. Recently, the station joined forces with Cities In Schools, a national nonprofit organization aimed at reducing the high school drop out rate. By serving as mentors, KMEX volunteers give Latino students guidance and emphasize the importance of a high school and college education.

KMEX is also active with the Junior Achievement of Southern California Program. Together they established the Junior Achievement Hispanic Program with the goal of recruiting Latino volunteers from local businesses and communities into inner-city schools to provide guidance to students. Over the years, KMEX has also raised millions of dollars to assist the victims of such disasters as the earthquakes in Northridge, Mexico City, and El Salvador, as well as other international natural disasters.

KMEX has also been involved with numerous community organizations such as the American Cancer Society, American Red Cross, Puente Learning Center, MALDEF, CARECEN, Southwest Voter Registration and Education Project, NALEO, Hollenbeck Boys and Girls Club, LA Works, the Century Council, and numerous others.

Mr. Speaker, I ask my colleagues to join me in honoring Univision Television Group Inc., headed by chairman and chief executive officer A. Jerrold Perenchio, and executive vice president and chief financial officer George Blank. Under their leadership, Augustine Martinez, KMEX's general manager, and Tom Amost, station manager, have worked to establish KMEX's tradition of excellence in programming and commitment to community involvement. On October 3, 1996, they will join with their dedicated employees and volunteers to celebrate 34 years of innovative programming and service to our community.

#### TRIBUTE TO BETHESDA-CHEVY CHASE HIGH SCHOOL

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mrs. MORELLA. Mr. Speaker, I rise to honor Bethesda-Chevy Chase High School on the occasion of the school's 70th anniversary. B-CC is Montgomery County's oldest urban high school, and the school is marking this milestone anniversary this weekend with a community-wide celebration.

Under the leadership of principal Janice Mastow, vice-principals Richard Bishop and Jeani Haven, and a devoted staff, the school has been a leader in the Montgomery County tradition of providing a quality education to its students and dedicated service to the community. B-CC has just initiated Montgomery County's second international baccalaureate program, which will keep students well-prepared for the challenges of the 21st century. In its urban setting, the school is a vibrant cornerstone of the Bethesda-Chevy Chase business area.

The school's rich and enduring history began in 1926, with a class of 14 students. Over the past 70 years, the high school has produced many distinguished graduates: war heroes, county, State and federally-elected officials, Federal judges, and community leaders at every level. The festivities and the open house will focus on the diversity and achievements of B-CC's 25,000 alumni, its students, faculty, parents, and its programs. Some distinguished graduates who will participate in the celebration include Daniel Stern and Arch Campbell.

As a former teacher, I am delighted to recognize B-CC on the school's 70th anniversary. I pay tribute to the devoted faculty, supportive parents, outstanding students, and diverse alumni, and I wish them continued success.

#### TRIBUTE TO SAN DIEGO POSTAL EMPLOYEES

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to the U.S. Postal Service employees of San Diego. An independent survey, conducted by Price Waterhouse and published in yesterday's papers, confirmed that 95 percent of all letters mailed to and from San Diego arrived on time. This 95-percent score places San Diego mail carriers second best in country.

The Postal Service employees of San Diego have a commitment to providing excellent service to the citizens of San Diego. This survey proves that they deliver. Every year, San Diego's Postal employees rank near the top of the national scores. Like the weather in San Diego, they are nearly perfect.

I would specifically like to commend San Diego District Manager Danny Jackson, the

Margaret L. Sellers Processing and Distribution Center Manager Dianna Hempen, and the San Diego Postmaster Glenn Crouch. Along with every Postal employee in San Diego, they have the right to be proud of their accomplishments. They have brought national recognition to San Diego and enhanced our reputation as America's finest city.

#### ONE-STOP-SHOPPING INFORMATION

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. LAZIO of New York. Mr. Speaker, I rise today to introduce legislation to help the thousands of Americans battling life-threatening disease. My bill would enable these individuals to gain easy access to essential information on clinical trials, information that could potentially save lives. In my Long Island, NY, district, where breast cancer occurs at unusually high rates, access to potentially promising treatments that are otherwise unavailable is crucial. A one-stop-shopping information service would allow those suffering from terrible illnesses, such as breast cancer or Parkinson's disease, to learn more about these clinical trials by simply dialing a 1-800 number.

Since coming to Congress, I have been working with breast cancer activists in my district, trying to reduce the suffering breast cancer brings to women and their families. I have fought hard for research funding to bring us closer to finding a cause, or possibly a cure, for breast cancer. Through researchers have made great progress, the public's knowledge of their findings has been limited. Its time we make these new findings available to those who need the information most.

Earlier this year, physicians and breast cancer advocates came before Congress to bring to light the difficulty in obtaining information on clinical trials. I was then contacted by cancer activists from my district, who conveyed the need for a one-stop-shopping program for clinical trials.

Currently, information is available through the Cancer Information Service at the National Cancer Institute. While the service is helpful, it lists only publicly funded trials, leaving information on more than 300 private clinical trials untapped. Sadly, cancer patients are left without readily available information, presented in a clear, concise manner. It is evident that a better system is needed.

In 1988, Congress directed HHS to establish an AIDS Clinical Trial Information Service. By simply calling 1-800-TRIALS-A, patients can find out more about trials which are evaluating experimental drugs and innovative therapies. The one-stop-shopping service would provide those facing serious illness with the same option that is now available to AIDS patients.

One-stop-shopping information will bring patients one step closer to treatments that could change their lives. I urge my colleagues to support this bill, and to give those stricken by serious illness more than just hope for a cure.

STATEMENT TO SUBCOMMITTEE  
ON PERSONNEL, SENATE ARMED  
SERVICES COMMITTEE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, for the last 2 months, I have assisted my constituents, Charles and Annette Casto, in attempting to locate information regarding the death of their son, L. Cpl. Anthony A. Casto, U.S. Marine Corps. After a hurried investigation, the Marine Corps concluded that Anthony Casto died as a result of suicide. The few material possessions given to the family, brief and uninformative talks with senior military personnel and the investigative branches involved in the process, yielded more questions and uncertainties than answers to Anthony's death.

The families which appeared before the subcommittee were in concurrence that the military's death investigation process is fractured. Currently, separate entities come to conclusions on a single death and withhold information underlying their conclusions. This is the antithesis to freedom of information and contrary to families' legitimate expectations that services will be forthcoming and truthful about the cause of a loved one's death.

All governmental entities and departments are accountable to the citizenry. I am not overzealous when I say that, just as we expect our government to be effective, it should be standard that it is also compassionate when dealing with the families of those who sacrifice their lives for our country. Unfortunately, the personal experiences of families of deceased military personnel illustrate a different picture. Though the people and places were different, there was a common theme that the investigative process treated families as outsiders, not obligated to knowing how their sons and daughters died while serving our country.

I know that the members of the subcommittee listened to the stories on September 12 with sincere interest, professionalism, and sympathy. However, I ask that the subcommittee lead this Congress in a first, but major step, in reforming the military death investigation process to transform it into one that is efficient, responsive, accountable and most importantly, one that is respectful and compassionate to our deceased servicemen and women's families.

HONORING ALVIN R. BELL

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. OXLEY. Mr. Speaker, I am proud to recognize Alvin R. Bell a constituent of mine who participated in CIVITAS@Bosnia-Herzegovina, an intensive program to train local teachers in education for democracy. Mr. Bell was part of a team of 18 American educators and 15 teachers from the Council of Europe who were assigned last July to key cities throughout the Federation of Bosnia and Herzegovina.

The summer training program was developed by the Center for Civil Education as part

of a major civic education initiative in Bosnia and Herzegovina. The goals of the program are to help prepare students and their communities for competent and responsible participation in elections and other opportunities in the political life of their communities. Achieving this goal will contribute to the reconstitution of a sense of community, cooperation, tolerance and support for democracy and human rights in this war torn area.

I am also pleased to announce that the curricular materials being used for the program in Bosnia and Herzegovina have been adapted from the We the People \* \* \* the Citizen and the Constitution and Project Citizen programs that have been very successful in my congressional district. Initial reports evaluating the summer program indicate the materials and teaching methods were enthusiastically received and can be adapted for use in classrooms throughout Bosnia and Herzegovina.

Alvin Bell is a teacher at Findlay High School in my hometown of Findlay, OH. Over the years Mr. Bell has brought five different teams of students to Washington, DC to compete in the We the People \* \* \* the Citizen and the Constitution national finals, an academic competition involving simulated Congressional hearing to test the knowledge of your youth in the U.S. Constitution and Bill of Rights.

Mr. Speaker, I wish to commend Alvin Bell for his dedication and commitment during the CIVITAS@Bosnia-Herzegovina summer training program. His work, is helping to achieve the overall objective to building support for democracy in Bosnia and Herzegovina.

THE BREAST CANCER PATIENT  
PROTECTION ACT OF 1996

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. SANDERS. Mr. Speaker, I am pleased today to join with Representative ROSA DELAURO in introducing "The Breast Cancer Patient Protection Act of 1996" to require insurers to pay for a minimum 2-day hospital stay for a mastectomy and a 1-day stay for a lymph node removal, unless the doctor and patient decide less time is appropriate. The legislation responds to a recent trend by insurers who are refusing to pay for an overnight stay for a woman with breast cancer who has had a mastectomy, the surgical removal of a breast, unless the doctor can prove it is "medically necessary."

While medical societies have no established guidelines on how long a woman should stay in the hospital following a mastectomy, doctors have argued that women need to stay 1 to 2 nights after such surgery. Surgeons have told me that the large majority of women would not do well going home the same day after such a surgery. It is unbelievable to me that the insurance industry is now considering mastectomy an "outpatient procedure" and denying women overnight stays.

After a mastectomy, a woman has a large wound, still-attached drainage tubes and intravenous fluids, and, often times, excessive pain. Overnight stays allow doctors to address many of the problems that can arise in the 12 to 24 hours following surgery and allow

women the time to learn how to care for the wound, handle the pain that accompanies such surgery and recover from the emotional trauma that can result from the surgery.

Outpatient mastectomies are disturbing new part of a growing trend in the insurance industry to deny care or truncate stays. First they denied insurance to victims of domestic violence, then they sent mothers and their newborn home within hours following a birth and now women with breast cancer are being denied the ability to have a very difficult surgery with some degree of dignity.

I have played an active role in ensuring that victims of domestic violence are no longer discriminated against in the health insurance industry and in guaranteeing that mothers and newborns are not sent home before they are ready to go. To that end, I will remain steadfast in my commitment to protect breast cancer patients from premature discharges from the hospital.

I am pleased that the National Breast Cancer Coalition has given its support to "The Breast Cancer Patient Protection Act of 1996." I look forward to working together with the Breast Cancer Coalition, surgeons and medical societies to protect safe and appropriate care for cancer survivors.

The truth of the matter is that insurance companies are trampling on the sacred doctor-patient relationship and it must stop. The decision about when a woman should leave the hospital after a mastectomy should be made between the doctor and the woman, not by insurance companies bent on profits.

Congress must restore the doctor-patient relationship once and for all, and I am doing everything I can to see that that happens. In the meantime, this critical measure will protect thousands of women who confront breast cancer surgery from being forced out of the hospital against their will and against the best advice of their doctor.

TRIBUTE TO REV. EDWARD O. HUG

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Ms. KAPTUR. Mr. Speaker, I rise today to pay tribute to a man of true faith—longtime servant of the church and our larger community in the greater Toledo area, the dear and beloved Rev. Edward O. Hug. He generously bestowed upon our community, particularly in the Catholic parishes throughout northwest Ohio to which he devoted his life for 47 years gentleness, dedication, and spiritual depth.

A man of God, Father Hug ministered to thousands, providing counsel, direction, and solace. His final parish was my own, Little Flower Catholic Church in Toledo.

As we remember Father Hug, his life, and his work and reflect upon his passing, I would like to quote from what has been regarded as one of Father Hug's finest sermons. In discussing life's passages, Father Hug told his congregation, "we should never be afraid of dying. When a baby comes into this world, the baby says 'I'm afraid to be born.' Then he comes out into the world and sees all the friendly faces and realizes the world is a wonderful place." It's the same with death. We're all afraid of dying, but when we die, we are

entering a new life. And it's the most wonderful place to be." Upon his own death, to which he professed to look forward, Father Hug's words echo. We know that he is at peace after a long and heroic struggle, and he is happy.

Our entire community expresses heartfelt gratitude for the life and beneficence of Father Edward Hug. No man could have given others more. We extend our prayers to his family, his brothers Father Fritz and Father Relmond Hug, also men of the church, and Eldred Hug, his devoted sisters Virginia Kunisch and Marlene Alter, and the entire Hug family. Godspeed.

### INCREASING ACCESS TO MEDICARE SERVICES

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. DURBIN. Mr. Speaker, I am introducing legislation today, along with Congressman JOHN ENSIGN, to create a demonstration program to waive, for selected diagnoses, the Medicare rule requiring a 3-day hospital stay before Medicare will cover services in a skilled nursing facility. There is growing evidence that, for selected diagnosis-related groups or [DRG's], a waiver could save money by allowing care in a less expensive setting.

The legislation would require the Secretary of Health and Human Services to cover services in skilled nursing facilities for at least five DRG's that involve medical conditions that do not need inpatient care and that are not likely or are least likely to result in any net increase in Medicare expenditures. Over the course of time, the Secretary would be able to add to the list of DRG's for which the 3-day stay rule is waived.

The Secretary would monitor this demonstration program to determine the impact of the program on overall Medicare expenditures. If this experiment is successful, it will increase access to Medicare-covered services without an increase in costs.

I expect that, if the DRG's are carefully selected based on evidence of which medical conditions could be treated less expensively in skilled nursing facilities, there will be no increase in total Medicare expenditures and there might even be budget savings. However, in case that expectation is not met, the legislation includes explicit language to ensure budget neutrality.

If this demonstration program, as a whole, causes an increase in overall Medicare spending, payments to skilled nursing facilities will be reduced by a corresponding amount in the following year to make up for the losses. This provides a fail-safe mechanism, supported by the skilled nursing facility industry itself, to ensure that the measure does not cause new Federal outlays. Moreover, the Secretary would be authorized to remove DRG's from the waived list that result in an increase in overall Medicare spending.

If, as I hope, this demonstration program is successful and overall Medicare costs do not rise as a result of the 3-day stay waivers, the legislation directs the Secretary to actively consider adding other DRG's to the waiver list that could be added without increasing total Medicare costs.

While I do not expect Congress to move forward on this measure in the waning days of this legislative year, I believe this idea deserves careful consideration. I am introducing it now in the hope that we can lay the groundwork for this type of budget-neutral reform in the next Congress.

H.R. 4244

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. WAIVER OF 3-DAY PRIOR HOSPITALIZATION REQUIREMENT FOR COVERAGE OF SKILLED NURSING FACILITY SERVICES FOR CERTAIN DRGS.

(a) IN GENERAL.—By not later than October 1, 1997, the Secretary of Health and Human Services shall provide for coverage, under section 1812(f) of the Social Security Act, of extended care services for individuals with a condition that is classifiable within a diagnosis-related group selected under subsection (b).

(b) SELECTION OF DIAGNOSIS-RELATED GROUPS.—For purposes of subsection (a) and subject to subsections (c) and (d), the Secretary—

(1) beginning with fiscal year 1998, shall select at least 5 diagnosis-related groups (as established for purposes of section 1886(d)(4)(A) of the Social Security Act that—

(A) relate to conditions that do not require treatment through receipt of inpatient hospital services, and

(B) are not likely (or are least likely) to result in any net increased expenditures under title XVIII of such Act; and

(2) for subsequent fiscal years may select additional diagnosis-related groups that meet the requirements of subparagraphs (A) and (B) of paragraph (1).

(c) RECOVERY OF EXCESS EXPENDITURES.—If the Secretary determines that the application of this section in a fiscal year has resulted in any increase in aggregate expenditures under such title for the fiscal year above the amount of such expenditures that would have occurred in the fiscal year if this section did not apply (taking into account any reductions in expenditures resulting from the elimination of or a reduction in the length of hospitalization), the Secretary—

(1) shall, notwithstanding any other provision of law, provide for a reduction in the amounts otherwise payable under part A of such title for post-hospital extended care services in the following fiscal year by such proportion as will reduce aggregate Federal expenditures in such fiscal year under such part by the aggregate amount of such a increase in the previous fiscal year, and

(2) may rescind the selection of any diagnosis-related group if the application of this section with respect to such group has resulted in such an increase in expenditures under such title.

(d) CONSIDERATION OF ADDITIONAL SELECTIONS.—The Secretary shall actively consider the selection of additional groups under subsection (b)(2) if the Secretary determines that the application of this section has resulted in a net reduction in expenditures under such title.

### REAUTHORIZATION OF THE PUBLIC HEALTH SERVICE ACT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. RICHARDSON. Mr. Speaker, I rise in strong support of our community health centers and this reauthorization bill.

I have introduced this piece of legislation in the House as H.R. 3180. Although time constraints prevented the House Commerce Committee from moving this bill through the committee this year, I am extremely pleased that the House will have the opportunity to vote on this important reauthorization.

This bill will consolidate community health centers, migrant health centers, health care for the homeless and health care in public housing projects under one authority as requested by the administration and as supported by the health centers.

Health center programs have been highly successful in delivering primary health care to the Nation's most needy inner city and remote rural over the last 30 days.

These centers have improved health, have high-confidence ratings from the people they serve, and have produced Federal savings by lessening the use of more expensive Federal provided health care.

In New Mexico, Federal health centers serve over 150,000 patients each year. My State has 56 clinics in 27 of our 33 counties. In most areas these clinics are the sole providers of health care in the county. These clinics are usually also the only providers with a sliding fee scale, which means they provide both geographic and economic access to health care for many uninsured or geographically isolated New Mexicans.

Community health programs are a vital part of health delivery to underserved communities across the country and a model of a Federal program that works.

However, over the last 30 years the health care industry in our country has undergone significant changes. This is why I believe we must—through reauthorization—give the health center programs the flexibility and streamlined efficiency to survive in today's health care marketplace.

This authority would support the continued development and operation of local, community-based systems of health care to address the needs of medically underserved communities and vulnerable populations.

At the same time, my legislation frees these centers from unnecessary and burdensome requirements. This bill will: First, make the grant process more flexible, simpler, streamlined, and less burdensome for communities receiving health center awards; second, reduce the Federal administrative costs associated with administering the programs; and third, assure continued Federal support—in these times of tight budgets—for health centers by consolidating the funding previously requested under separate authorities.

In addition, this legislation addresses the rapid expansion of managed care and gives our health centers the ability to complete in today's health care marketplace. This bill will create grants for health centers to plan and develop networks with health maintenance organizations or form their own networks with other physicians and hospitals.

Further this legislation will reauthorize the Rural Health Outreach, Network Development, and Telemedicine Grant Program to focus on the development of coordinated, integrated health care delivery systems in rural areas using advanced technologies.

I believe this bill is the most comprehensive approach to reauthorizing public health centers. This legislation has the support of the public health centers and would allow our public health centers to continue providing top

quality services to some of America's most underserved populations.

TRIBUTE TO THE NOME CULT  
"TRAIL OF TEARS"

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. FAZIO of California. Mr. Speaker, I rise today to recognize the 133d anniversary of the Nome Cult "Trail of Tears."

Not long ago, native Americans from Chico were forced to relocate across what is now the Mendocino National Forest to Round Valley.

In September 1863, 461 Indians were marched under guard from Chico to the Nome Cult Reservation, nearly 100 miles across the Sacramento Valley and rugged north coast ranges. Most of those removed from Chico were Maidu from the north Sacramento Valley and adjacent foothills, but members of other tribes were also relocated. Only 277 Indians completed the journey to Nome Cult Reservation.

Although the path has disappeared, we now call this route the Nome Cult Trail. Currently, U.S. Forest Service signs mark the route where the Indians and their military escorts camped along the most grueling part of the trail in the Mendocino National Forest.

Today, I wish to acknowledge this tragedy but also to celebrate in full recognition of our past. While the Nome Cult Trail is a tragic chapter in my State's history, it is also a story about the resilience and strength of California Indians. It is an important legacy for their descendants and for all Californians.

TRIBUTE TO GEN. WITOLD  
URBANOWICZ AND JAN NOWAK-  
JEZIORANSKI

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mrs. MALONEY. Mr. Speaker, I rise today in honor of Polish Heritage Week, and to remind my colleagues of the contributions made to our society by Polish-Americans.

First, I would like to pay special tribute to Gen. Witold Urbanowicz. I was saddened to hear of his death on August 18, 1996. General Urbanowicz was a true hero to the Allied forces during World War II, serving as a fighter pilot in the Battle of Britain and in China with the Flying Tigers of Gen. Claire L. Chennault. For his distinguished service, General Urbanowicz received Poland's highest decoration for valor, the Order of Virtuti Militari. He was also awarded the British Order of Merit and the Distinguished Flying Cross. Last year, he received a formal promotion to general in the Polish Forces from Polish President Lech Walesa. His brave service will not be forgotten.

Additionally, I would like to honor Jan Nowak-Jezioranski. On September 20, 1996, Nowak was awarded the highest civilian honor in the United States, the Presidential Medal of Freedom. The award honored his service during World War II, in which he risked his life to

bring vital information from Poland to the Allies. Later, he directed Radio Free Europe's Polish Service, and was a voice of hope to millions of his fellow Poles.

Mr. Speaker, I rise today to honor these two great men, and to celebrate the contributions of all Polish-Americans during this very special week.

V.F.W. POST 5267 50TH  
ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to the Veterans of Foreign Wars (VFW) Post 5267 of Hanover Township, Pennsylvania. The post is celebrating its 50th anniversary and I am pleased to have been asked to participate in this milestone event.

On November 5, 1945 thirty veterans returning from overseas duty in World War II accepted the invitation of the late Edward Dozyk, a WWI veteran, to formulate initial plans for a V.F.W. post in Hanover Township. Application for a charter was sent to the National Headquarters and the charter was granted in 1946.

The first group of officers were founder of the post Commander Edward Dozyk, Senior Vice Commander Nelson Gray and Adjutant and third year Commander Michael Juls.

During the next few years the post spent time moving from one location to another. In 1967 the post purchased its current home.

Mr. Speaker, since its beginning in 1946 the post has grown from 30 members to over 700. The post provides valuable community services to the active veterans community in the Wyoming Valley. During its history members of the post have participated in over 2100 military funerals as well as numerous Veterans Day Celebrations.

Mr. Speaker, I am proud to honor these dedicated men and to join the Hanover Township Board of Commissioners and Commission President Pat Aregood in proclaiming the week of September 22nd as V.F.W. Post 5267 week in Hanover. I send my best wishes on their 50th anniversary.

DOSE OF REALISM NEEDED IN  
DEALING WITH RUSSIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. SMITH of New Jersey. Mr. Speaker, earlier this month, in a major policy speech delivered in Stuttgart, Germany, Secretary of State Christopher presented his vision for the future of a "New Atlantic Community" and called for the elaboration of a formal charter between NATO and Russia as an integral aspect of the alliance's process of enlargement. The headstrong determination of the Clinton administration to forge ahead with some form of formal partnership between Russia and NATO should give cause for concern.

I am not convinced that such an initiative—which is fraught with risks—is warranted.

In his address, Secretary Christopher boldly proclaimed that "a Democratic Russia can

participate in the construction of an integrated, Democratic Europe." Frankly, Mr. Speaker, Russia's Democratic credentials are not yet firmly established. One need look no further than the killing fields of Chechnya to see the limits of the Kremlin's commitment to genuine democracy. Let us not forget that President Yeltsin signed the decrees, later made public, that launched the large-scale Russian military operations which laid waste to Grozny, leveled scores of towns and villages, led to the displacement of hundreds of thousands of Russian and Chechen civilians, and resulted in tens of thousands of deaths.

As Chairman of the Helsinki Commission, I am particularly disturbed by Secretary Christopher's attempts to gloss over Moscow's campaign of death and destruction in Chechnya. "Though their [the Russian people's] struggle is far from complete," Christopher acknowledged, "as the 20-month assault on Chechnya demonstrated, the Russian people have rejected a return to the past and vindicated our confidence in democracy." In keeping with the tendency of the Clinton administration to turn a blind eye toward Chechnya, the Secretary's remark papers over the Chechnya's negative consequences for democracy in Russia.

Instead of heeding the Kremlin's brutality in Chechnya as a wakeup call of the threat to Russia's fledgling democracy, Secretary Christopher and others in the administration seemed content to push the snooze button and roll over while thousands of innocent men, women, and children were killed and those truly committed to Democratic principles increasingly came under fire for their opposition to Yeltsin's Chechen policy.

Russia must consolidate democracy, human rights, and rule of law at home, Mr. Speaker, before she can ever be considered a credible partner in constructing an integrated, Democratic Europe, envisioned by Mr. Christopher. Welcoming the Russians as full partners in building a new Europe that is free of tyranny, division, and war, as the Secretary has done, is premature at best. A fundamentally new relationship with Russia can only be built on a firm foundation of trust and confidence based on concrete deeds.

Secretary Christopher's smug assertion that no power in Europe now poses a threat to any other belies the fact that Russian missiles, once targeted at the United States, can be re-programmed within a matter of minutes. His claim is also easier made in Stuttgart than in places like Tallinn, Riga, Vilnius, or for that matter, Kiev.

While the United States should continue to encourage cooperation among countries in the Baltic region, Mr. Speaker, it is important to keep in mind that such cooperation cannot substitute for NATO membership.

We cannot ignore that historical relationship between Russia and her neighbors, many of whom have understandable concerns for their sovereignty and independence, given decades of brutal domination and suppression by Moscow. Such apprehension can only be heightened by the current leadership crisis in the Kremlin and by the fact that some Russians yearn for the recreation of their empire. All the while, Russia's neighbors continue to seek normal relations with the Russian Federation based on mutual respect and sovereign equality.

I would remind Mr. Christopher that Russian Foreign Minister Yevgeny Primakov, who earlier headed the Russian Foreign Intelligence Service, has been one of the chief proponents of the reestablishment of a Russian sphere of influence in the newly independent States of the former Soviet Union, the so-called "near abroad."

Should the United States decide to pursue a formal charter between NATO and Russia several key issues must be addressed. First, the Russian Federation must not be given a veto, or implied veto, over the timing or conditions for the admission of new members into the alliance. Second, such an accord must firmly oppose any moves by Moscow to establish "spheres of influence" in East Central Europe. Third, the charter must in no way impede the development of enhanced relations between NATO and nonmembers, such as Ukraine.

Mr. Speaker, let us now lose sight of the fact that an essential element of any partnership is, and must be, trust. The reality is that much time is needed to heal the wounds inflicted by the war in Chechnya and establish Moscow's credentials as a trustworthy partner. In the meantime, the single greatest contribution Russia can make to the construction of an integrated and Democratic Europe would be to consolidate democracy, human rights, and rule of law at home.

IN HONOR OF PRABHAKAR  
SHUKLA: AN EXEMPLARY INDIVIDUAL

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to honor a very distinguished and outstanding individual from my district. Prabhakar R. Shukla has been a devoted father and an extraordinary individual who has inspired many of his fellow community members.

Mr. Shukla was born in the small village of Saras in Gujarat, India. He grew up in Saras working on his family farm while receiving his education. At the age of 12, he was sent to boarding school to pursue further studies and earned a bachelors degree in physics and chemistry, a law degree and an education degree. He also received a Vishard, an advanced degree in Hindi and Sanskrit from Beneras Hindu University. In 1958, he married a wonderful woman, Hasumati, and had one son. In 1962, he left India to work as a principal at a high school in Africa for 4 years and then worked in England as a teacher for 6 years. In 1970, he came to the United States with his family working as a substitute teacher, salesman, and insurance agent. Through hard work and dedication, he became a full time teacher. For the past 16 years, he has taught physics and chemistry at East Orange High School, has been chairman of the science department, and has been recognized as an outstanding teacher.

As an active member of his community, Mr. Shukla has sought to contribute to the vitality of Hudson County and its residents. He is a member of the North Bergen Planning Board, the Hudson County Commissioner of Human Relations and a member of the Hudson Coun-

ty Vicarage Advisory Committee. He is a founder and life member of the Hindu Cultural Society, India Cultural Society, Hindu Mandir and Bharat Cultural Society. In addition, he serves as the chairman of the board of trustees for the Bharat Cultural Society and the Brahmin Samaj.

Prabhakar Shukla is well respected by his friends, students, and neighbors. He has distinguished himself with his contributions to the citizens of New Jersey. His success is proof that America is a land of opportunity for all those willing to seize it. I ask that my colleagues join me in honoring this outstanding individual.

HONORING AMBASSADOR WILLIAM  
COLBY

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. ROHRABACHER. Mr. Speaker, General Vang Pao, the Vietnam war hero and Colonel Wangyee Vang, the National President of the Lao Veterans of America, organized a major event earlier this year to commemorate the sacrifices of the Hmong and Lao combat veterans. Tragically, Ambassador William Colby, former Director of the Central Intelligence Agency [CIA], who was slated to speak at this special event, passed away just prior to it.

In honor of Ambassador Colby, and the Hmong and Lao veterans who staunchly fought as allies of the United States to defend freedom from Southeast Asia, I request to include the following article from the Washington Times in the CONGRESSIONAL RECORD.

[From the Washington Times, May 8, 1996]  
REFUGEES FROM LAOS MOURN A FRIEND,  
COLBY

(By Gary Scheets)

Chia Kue was born on the CIA base of Long Chieng 24 years ago. She remembers eluding Laotian communist insurgents with her family as they followed a trail of refugees out of Laos and into Thailand, where squalid camps harbored them until, and if, they were lucky enough to get to the United States.

At that same base, William Colby, who would later direct the Central Intelligence Agency, staged operations using recruited Hmong soldiers to guard America installations and fight the North Vietnamese along the Ho Chi Minh Trail during the Vietnam War.

Miss Kue's father was a Hmong soldier fighting under Maj. Gen. Vang Pao, commander of the Royal Lao Army Region Two, who took his direction from Mr. Colby.

This Saturday and Sunday, thousands of Hmong combat veterans and refugee families will gather in Fresno, Calif., to pay tribute to Mr. Colby. At the event, originally designed as a ceremony to honor the actions of Hmong soldiers, Mr. Colby was scheduled to attend and present commendations and citations.

Instead, Hmong tribal and military honors will be staged in remembrance of Mr. Colby, whose body was found Monday along the banks of the Wicomico River. Authorities believe Mr. Colby drowned after his canoe capsized nine days earlier.

The Maryland State Medical Examiner's Office won't have autopsy results until the end of the week.

Miss Kue, of Arlington, is a first-grade teacher at the Fairfax Brewster School, a

private school in Baileys Crossroads. She and her family spent four years in Nong Chai, a refugee camp in Thailand that was closed when the Thai government began repatriation of the Laotian refugees.

She first met Mr. Colby in April 1994 at congressional hearings on the plight of Hmong refugees in the camps and their forced repatriation to Laos to face persecution and possible death for their collaboration with the CIA.

Miss Kue and Mr. Colby kept in contact on the refugee issue, meeting and talking several times.

Miss Kue said the death of Mr. Colby will be a significant loss to the Hmong community because he was one of the few in official Washington openly championing their cause.

"He was so important to the Hmong because he knew so much of what they did," Miss Kue said. "He was one of their greatest allies."

The Hmong most likely will never have someone of Mr. Colby's stature advocating their cause again, she said.

Miss Kue said Mr. Colby struck her as an honorable man who was not afraid to fight for what he believed in.

"He was someone who was willing to stand up for the truth, for what he knows and what he believes in," Miss Kue said.

Gen. Pao, who worked side-by-side with Mr. Colby in Laos during the Vietnam War, called him "a good friend to the Hmong people."

Speaking in a telephone interview from Fresno, where he is preparing for this weekend's program, Gen. Pao said Mr. Colby will be sorely missed by the people he fought for:

"Bill Colby's death is a great loss not only for all freedom-loving people," Gen. Pao said. "We are hoping that someone will step forward and fill his shoes."

During the war, the two men got to know each other quite well. "I told him in great respect," Gen. Pao said.

Philip Smith, a Washington representative for the Lao Veterans of American, said Mr. Colby was an integral part of the effort to have the wartime work of the Hmong recognized.

"Because Laos is such an obscure country, Bill Colby was so important and why no one will be able to replace him," Mr. Smith said.

Mr. Smith said Mr. Colby understood the contribution of the Hmong and how it fitted into the geostrategic picture of the Cold War.

Mr. Smith, who will attend the Fresno ceremonies this weekend, had planned to fly to California with Mr. Colby.

Now, he said, the seat next to him on the plane will be empty.

SOCIAL SECURITY

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. PETRI. Mr. Speaker, yesterday I introduced legislation, H.R. 4215, to help put the Social Security system on a better financial footing while providing future Americans with the peace of mind that comes with their own retirement account which is their personal property.

My bill will establish a retirement account for each newborn American citizen, initially worth \$1,000. The money for the initial \$1,000 is to come from the sale of Government assets. This amount is to be invested in the same manner, and with the same choices, as the

Thrift Savings Plan available to Government employees. These choices include investment options which promise higher rates of return than can be earned by the government bonds held in the Social Security Trust Fund. The investment decisions among the fund options are to be made by the parent or guardian until the account holder reaches the age of majority when he or she is able to make such decisions. The account holder, or his or her parent, can add to the principal of the account, up to \$2,000 per year tax free, but even if that never happens the \$1,000, if invested in a stock index fund, can be expected to grow to \$651,683 by the time the account holder is ready for retirement.

It is not a sound financial practice for the Government to sell its assets and use the funds to pay for its current operating costs, as it does now. If we are going to be selling assets anyway we should be reinvesting the funds in something which will pay a return. My bill will accomplish that goal and put more money into the retirement system at the same time. This bill does not replace the Social Security system; it provides more funds for it. The funds in the account are to pay for Social Security benefits for the account holder first, and only if the account is depleted can the account holder draw on the Social Security Trust Fund. If, due to individuals adding to the account, there is more in the account than necessary to pay for Social Security benefits, the account holder will have several lump sum or annuity options for withdrawing the extra funds.

Future workers will not have to worry so much whether or not the Government will keep its promises or that the Social Security system might go bankrupt because each will have an account which is his or her personal property. I don't claim that this program will solve all the financial problems of Social Security but it will certainly help.

#### ANTITRUST HEALTH CARE ADVANCEMENT ACT OF 1996

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. ENGEL. Mr. Speaker, I rise in support of H.R. 2925, the Antitrust Health Care Advancement Act of 1996, which would ensure that the antitrust laws permit full utilization of private cooperative initiatives and help make the Nation's health care system more efficient. H.R. 2925 provides that when doctors, nurses, and hospitals form integrated joint ventures to offer health care services, their conduct will be reviewed on the basis of its reasonableness—the rule of reason test—for compliance under antitrust laws. The measure would provide more choices for consumers while allowing for greater competition in the marketplace.

Health care provider networks [HCPN's] comprised of doctors, hospitals and other entities which provide health care services—can produce increased competition for health care services. Their formation can lead to lower costs while providing a high quality of care. Physicians and other health care professionals are more than qualified to strike the proper balance between conserving costs and meeting the needs of the patient.

Current antitrust laws, however, hinder the formation of HCPN's by prohibiting them to engage in joint pricing agreements. H.R. 2925 would eliminate this obstacle by conforming agency enforcement practices to the manner in which courts have interpreted the law.

Antitrust law states that agreements among competitors that fix prices or allocate markets are per se illegal. Where competitors unite in a joint venture, however, agreements or prices or other terms of competition are not generally unlawful. Price setting conduct by these joint ventures should be evaluated under the rule of reason, that is, on the basis of reasonableness, by considering all relevant factors that may affect competition.

H.R. 2925 addresses these concerns by applying the rule of reason test to HCPN's. Enactment of this measure would lead to increased competition, greater choice of services, and the delivery of quality health care at a lower price.

While I urge the House to consider H.R. 2925 before the end of the session, I am encouraged by new guidelines recently released by the Department of Justice which state that the rule of reason test will now be applied to HCPN's. While I would still like to see H.R. 2925 enacted into law, I believe that the new guidelines are a major step towards the recognition of HCPN's as viable entities in the health care field and I commend the Justice Department for its decision.

#### SOUTHWESTERN PENNSYLVANIA MANUFACTURERS WEEK

HON. RON KLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. KLING. Mr. Speaker, I rise today to share with my colleagues that the week of October 6–12, 1996 has been designated Southwestern Pennsylvania Manufacturers Week.

Manufacturing is vital to the economy of southwestern Pennsylvania. This field employs more than 125,000 people in the counties of Allegheny, Beaver, Butler, Washington, and Westmoreland. Local manufacturers finance an annual payroll of nearly \$5 billion, the highest of all employment sectors. In southwestern Pennsylvania, the average wage for a manufacturing job is 40 percent higher than the average wage for all employees in the region.

Manufacturing provides one of every seven jobs for workers in southwestern Pennsylvania, outranking health care, construction, financial services, education, transportation, and government, in total employment. The local manufacturing payroll is crucial to the economy of our area, yielding a greater total economic impact than any other endeavor. Indeed, local manufacturers contribute nearly \$200 million in local, county, and State taxes, to help support our communities and schools in southwestern Pennsylvania.

Our manufacturers continue to uphold the proud industrial heritage of our region, and perform with a work ethic that is second to none productivity and quality. The wide range of goods produced in our region is distributed and used around the world.

The advanced manufacturing network of the Pittsburgh High Technology Council, in partnership with the Southwestern Pennsylvania

Industrial Resource Center is committed to supporting the needs of manufacturers throughout the region.

It is a pleasure and an honor to recognize the contributions of local manufacturers in southwestern Pennsylvania.

#### HONORING OCTOBER AS CO-OP MONTH

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. FAZIO of California. Mr. Speaker, in the United States, cooperatives celebrate their activities and honor their history every year during October, Coop Month. Today over 40,000 cooperatives and credit unions serve nearly 100 million Americans in almost every community in our nation.

On October 24, 1844, 28 weavers incorporated the Rochdale Society of Equitable Pioneers to start their humble cooperative in Rochdale, England. The principles and practices they formulated ensured the success of the cooperative ideal. The results of their efforts gave rise to the modern cooperative movement which in 1996 counts over 750 million members.

The nearly 30 cooperatives and credit unions in Davis, CA are an important part of the daily lives of its citizens. A number of those cooperatives are unique models of "people helping people" acclaimed throughout the U.S.A. Cooperatives in Davis provide service to children in child-care cooperatives, through students in student housing cooperatives, to seniors in housing cooperatives.

The efforts of the Center for Cooperatives at the University of California at Davis has helped find new opportunities for cooperative development in rural northern California. The center's activities bring together leaders of our rural communities to offer solutions which address unemployment, recycling and sustainable and environmental economic development.

On behalf of the Congress of the United States, I would like to join the citizens of Davis in recognizing and celebrating Co-op Month.

#### TRIBUTE TO TWA FLIGHT 800 CRASH INVESTIGATION AND RECOVERY OPERATION PERSONNEL

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. SPENCE. Mr. Speaker, July 17, 1996, will forever be remembered as a tragic date in American history—a day in which 230 people were killed when TWA Flight 800 exploded over Long Island, NY, and plummeted into the deep water offshore.

Today, I rise to honor the men and women of the Navy, Coast Guard, and National Transportation Safety Board [NTSB] who, throughout the past 2 months, have dedicated their lives daily to recovering the victims of the crash and investigating the cause of the explosion.

First, I would like to express my gratitude to the U.S. Navy personnel working at the crash



site who have been responsible for all underwater recovery operations. In particular, I wish to commend the Navy's divers for their heroic work in some of the most difficult working conditions imaginable. Despite working at depths of over 100 feet, in water in which visibility is measured in inches instead of feet, these Navy divers have logged some 1,300 hours—the equivalent of 54 straight days—searching a 25 square mile patch of ocean floor. These divers are directly responsible for the recovery of nearly half of the victims as well as for the majority of the wreckage salvaged thus far.

I would also like to commend the men and women of the Coast Guard who were involved in the search, rescue, and recovery operation immediately following the crash. Specifically, I wish to recognize those workers who arrived at the crash site within minutes of the explosion to begin searching for survivors. Working tirelessly, Coast Guard personnel recovered victims and pieces of the aircraft throughout the night and the following days. In subsequent weeks, Coast Guard workers have conducted surface recovery operations, centralized search planning, as well as regional environmental operations. In the 2 months since the Flight 800 explosion, the Coast Guard has searched over 3,100 square miles of the ocean's surface, recovering more than half of the victims from the water in the process.

Finally, I would like to recognize the NTSB for its candor, honesty, and tenacity in conducting the investigation effort. The men and women of the NTSB have done an admirable job of keeping the victims' families and the American public well informed of the status of the recovery effort and crash investigation.

Mr. Speaker, I know my colleagues will join me in extending a heartfelt thanks to these exemplary men and women for the time and effort they have selflessly dedicated to the recovery effort. I commend them for a job well done.

As a final note, I would like to recognize Mr. Henry Allen, who correctly pointed out to me that Congress has not yet credited the Navy, Coast Guard, and NTSB personnel working in this investigation for their work. Mr. Allen lost his son and grandson in the TWA crash, but his unselfish and caring character allowed him to ask me to recognize the hard work and dedication of these personnel even in his time of need. I'm proud to serve men like Mr. Allen, and my thoughts, prayers, and condolences are with him and his family.

## NATIONAL INVASIVE SPECIES ACT OF 1996

SPEECH OF

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 24, 1996*

Mr. UNDERWOOD. Mr. Speaker, I rise in favor of H.R. 3217, the National Invasive Species Act of 1996. This bill would reauthorize funds for the Brown Tree Snake Control Program which seeks to reduce the adverse effects of the nonindigenous brown tree snake to Guam as well as prevent the spread of the species to other outlying areas.

Brown tree snakes have long been identified as the cause of Guam's diminishing bird population and the extinction of some of the is-

land's native species. Due to the lack of natural predators and to the ideal environment Guam provides for the propagation of the snakes, the brown tree snake has continually wreaked havoc on Guam's wildlife. If this present trend continues, we can soon expect the extinction of more of Guam's native birds and the introduction of this pest to snakeless areas such as Hawaii.

Controlling the snake population on Guam is the best approach towards wildlife preservation. In a misguided attempt to save Guam's birds, the U.S. Fish and Wildlife Service has imposed a wildlife refuge in the hopes that such a refuge would reverse the trend of a diminishing bird population. This notion is flawed at best. We know for a fact that the nonindigenous brown tree snakes must be taken out of the habitat in order for birds to thrive. Guam supports saving its endangered species but this must be done through the U.S. Fish and Wildlife Service controlling the brown tree snake population and not by them acquiring more land. After all, a wildlife refuge would only serve to gather the island's remaining bird species in an area that could easily be overrun by the brown tree snake. In a couple of years, this proposed bird sanctuary would surely be nothing more than a snakepit taken right out of an Indiana Jones movie.

The funds reauthorized by H.R. 3217 offer an alternative that imposes the least burden on Guam's limited resources and gives Guam's birds the best chance at survival. Providing for the development of programs to control the snake population also spares Guam's neighbors from the devastation brought about by the brown tree snake. Let us not allow harmful nonindigenous species to take over our fragile ecosystems. I urge my colleagues to support H.R. 3217.

## LACK OF HEALTH INSURANCE— HIGHER DEATH RATE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. STARK. Mr. Speaker, health insurance for everyone isn't just a nice idea, it is a matter of life and death. The data is clear. In 1982, the State of California terminated Medi-Cal benefits for the State's 270,000 medically indigent adults. Some 186 of these adults were then enrolled in a study to examine the effects of this action on the health of these individuals. A comparison group was also established. Within 6 months of termination of health coverage, five individuals died compared to zero deaths for the comparison group. After 1 year of the study, seven individuals from the group whose Medi-Cal benefits had been terminated had died compared to one death in the comparison group.

Investigation of the circumstances of death suggest that lack of access to care played a part in at least four of the deaths in the medically indigent group. At least four deaths that could have been prevented if these individuals had health insurance. And now this Congress is preparing to adjourn without having adequately addressed one of the greatest problems facing our Nation: the lack of health insurance for everyone. How many more people will have to die before we decide to commit ourselves to this problem and find a solution?

Another study used data from 17 hospitals to examine outcomes for patients admitted with pneumonia. Self-pay patients were six times more likely to die with in the hospital compared to those with insurance. A national study determined that the probability of an in-hospital death for uninsured patients was 1.08 to 1.32 times higher than for privately insured patients in 15 of 16 age-sex-rate cohorts.

In another study, a representative cohort of the U.S. population was followed for up to 16 years. The study hypothesis in this case was that a lack of health insurance is causally related to a higher mortality rate, because of decreased access and lower quality of care. Not only is this hypothesis in accordance with the results of previous studies, but it also agrees with the conclusions of our own former Office of Technology Assessment in a report issued in 1992.

Furthermore, the study found that lacking insurance is associated with subsequent higher mortality independent of our risk factors.

### INDEPENDENT OF OTHER RISK FACTORS

In one of the same studies mentioned above, fully 68 percent of the study's participants in the medically indigent group reported a specific episode in which they had not obtained care that they believed they needed; of those patients, 78 percent listed the cost as a reason for not obtaining care. We cannot let this problem escalate into a national tragedy of even greater proportions.

The numbers are alarming. The evidence is clear. As members of a civilized society, I would hope that the next Congress has the courage to deal with this issue.

For those who share my concerns, I invite you to reference the following sources:

(1) Lurie, N., Ward, N.B., Shapiro, M.F., Brook, R.H., "Termination from Medi-Cal: does it affect health?" *N Engl J Med.* 1984; 311: 480-484.

(2) Lurie, N., Ward, N.B., Shapiro, M.F., Gallego, C., Vaghaiwalla, R., Brook, R.H., "Termination of medical benefits: a follow-up study one year later." *N Engl J Med.* 1986; 314: 1266-1268.

(3) Weissman, J.S., Epstein, A.M., "Falling Through the Safety Net: The Impact of Insurance on Access to Care." Baltimore, Md: Johns Hopkins University Press; 1994.

(4) Franks, P., Clancy, C.M., Gold, M.R., "Health insurance and mortality: evidence from a national cohort," *JAMA.* 1993; 270: 737-741.

## OLYMPIC GOLD MEDALIST CHRYSTE GAINES IS HONORED

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to give recognition to a Dallas unsung heroine, Chryste Gaines, a 1996 Olympic Gold Medalist. Ms. Gaines propelled the team to its victory as the first leg of the 4100 women's relay.

Chryste Gaines' fruitful track career began as she set many personal and team records in the State of Texas. She has also received a gold medal at both the world championships 4100 relay and at the Pan Am games in the 100-meter dash. In addition, she has brought

home many medals from the World University Games, NCAA indoor and outdoor meets, grand prix, and world indoor championships. Furthermore, Ms. Gaines has run on the U.S.A. Pan Africa Team and the U.S.A. versus Great Britain Team.

Not only is Ms. Gaines exceptionally talented in track and field, she has also excelled in her academic studies. She graduated valedictorian of South Oak Cliff High School in 1988 and went on to Stanford University to obtain a bachelor of science degree in psychology. Ms. Gaines is a member of the alpha Xi Omega Chapter of Alpha Kappa Alpha Sorority, Inc.

I wish to extend my congratulations to Chryste for your outstanding performance. We hope to see you in the year 2000 at the Olympics in Sidney, Australia.

#### GLENS FALLS' VOLUNTARY ACTION CENTER TURNS 25

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. SOLOMON. Mr. Speaker, this fall will mark the 25th anniversary of the Voluntary Action Center, a truly remarkable organization located in my hometown of Glens Falls, NY.

For a quarter century, the center has helped thousands of needy folks every year. Each year, the center delivers nearly 100,000 Meals-on-Wheels in Queensbury and Glens Falls, helps thousands of families at Thanksgiving and Christmas, counsels hundreds of troubled persons on its Crisis Line and Teen Line, assists homeless families find emergency lodging, helps frail seniors perform simple household tasks so that they can maintain their independent lifestyle, places hundreds of court-referred clients in community service programs, and collects food for local food pantries. And by the way, that list is not exhaustive!

Mr. Speaker, I cannot tell you how much respect and admiration the surrounding communities have for the Voluntary Action Center. This group embodies effective compassion. It represents all that is good in America: service, voluntarism, pride in community, and a concern for fellow man.

In closing, Mr. Speaker, I want to reiterate my congratulations to the center on its 25 years of service to the communities of Glens Falls and Queensbury. I hope and pray that the center continues to provide its invaluable work well into the next century. The Voluntary Action Center proves every single day that Americans have not lost their desire and willingness to lend a helping hand. Voluntarism, I am proud to note, is alive and well in Glens Falls, NY.

#### PERSONAL EXPLANATION

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. ROTH. Mr. Speaker, yesterday, the House approved H.R. 2579, the U.S. National Tourism Organization Act. Due to the speed

with which the bill moved through the House, Congressman BOB FRANKS of new Jersey and Congressman FRANK MASCARA of Pennsylvania were unable to be added to the list of cosponsors.

I would like to recognize their support and thank them for their desire to cosponsor H.R. 2579.

#### TRIBUTE TO SHERIFF JOSEPH U. MAINO

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. STUPAK. Mr. Speaker, it is with great pride that I bring to the attention of the U.S. House of Representatives and this Nation the retirement of Sheriff Joseph Maino, an outstanding member of the law enforcement community in my northern Michigan congressional district. I also have the opportunity to relay to you and the Nation the many contributions Marquette County Sheriff Joseph U. Maino has made to his community, fellow officers, and the State of Michigan.

Sheriff Maino was born and raised in Negaunee, MI, where he attended St. Paul's School. Following graduation, he served his country by enlisting in the U.S. Army. In the military, he spent 3 years in the military police stationed in California and later in France. Upon leaving the service in 1967, he joined the Marquette County Sheriff's Department in Michigan's Upper Peninsula.

Sheriff Maino quickly worked his way up through the ranks, first to sergeant and then undersheriff. In 1976, at age 34, the people of Marquette elected him sheriff and he became one of the youngest law enforcement officials in the State of Michigan to guide a law enforcement agency. Presently, Sheriff Maino is serving his 20th year as sheriff marking him the second longest active serving sheriff in the State of Michigan.

Sheriff Maino has worked diligently over the past two decades to enrich his community and educate them on the dangers of drinking and drug use. During his first year in office, Sheriff Maino implemented the Narcotics Enforcement Team for the County of Marquette. In 1987, he pioneered the first DARE program for the Upper Peninsula. In addition, he served as executive director of the Upper Peninsula Substance Enforcement Team during the outbreak and victory over the dangerous drug "CAT." Presently, Sheriff Maino is the project director for Marquette County Team Voice which teaches young people about the lethal combination of drinking and driving.

Sheriff Maino has not only been an asset the Marquette County, but also to the State of Michigan. He has been an active member of the Michigan Sheriff's Association, serving as president in 1981-82. He is a member of many other community service organizations including: The U.P. Children's Coalition, United Way, Kellogg Youth Initiatives Partnership, U.P. Law Enforcement Officer's Association, Marquette County Chief's Association, U.P. Law Enforcement Development Center, Public Safety Institute, Marquette General Hospital Mental Health Advisory Board, Alger-Marquette Human Services Coordinating Body, and the Central U.P. Planning and Development Criminal Justice Committee.

The Marquette County Sheriff's Department has earned several awards under the leadership of Sheriff Maino. They have received the National Recognition for Public Service Award for drunk driving enforcement, a resolution of tribute from the State of Michigan for its drug enforcement activities, and obtained over \$4 million in grants from local, State, and Federal sources to better serve and protect the citizens of Marquette County.

In addition to his dedication to the public sector, Sheriff Maino is a proud husband and father. His wife Jean was also born and raised in Negaunee and graduated from Negaunee High School. Jean is active in the Negaunee Booster Club & Iron Range Hockey Association. In addition, the Maino's son, Ryan, has been involved in community athletics including basketball, baseball, football, and hockey. A family of avid sports fans, they enjoy, fishing, hunting, and Joe's passion for horseshoes.

Mr. Speaker, Sheriff Joseph U. Maino will be retiring from the Marquette County Sheriff's Department on December 31, 1996. As a former city police officer and a Michigan State Trooper, I have had the honor of working with and personally knowing Sheriff Maino. He is one of the fairest, honest, and dedicated law enforcement professionals I know and I wish to thank him for all he has accomplished during his career. Mr. Speaker, on behalf of the citizens of northern Michigan, the State of Michigan, and the Nation, I would like to extend best wishes for an enjoyable retirement to Marquette County Sheriff Joseph Maino.

#### HONORING DON GLENN ON THE OCCASION OF HIS RETIREMENT FROM THE AFL-CIO

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. TORRES. Mr. Speaker, I ask my colleagues to join me today in honoring Don Glenn on the occasion of his retirement from the AFL-CIO after dedicating his entire adult life to the labor movement.

Don was hired as an AFL-CIO field representative in 1967. He was instrumental in establishing statewide central labor council conferences both in Wisconsin and California. He also assisted the Los Angeles Orange County Organizing Committee [LAOCOC] with organizing workshops, think tank sessions, and organizing projects.

Before joining the AFL-CIO field staff, Don served in the U.S. Army for 2 years, and was a member of the Meatcutters Union, the Structural Ironworkers Union, the Railroad Union, and the Steelworkers Union.

When he was a steelworker, he became a steward. He then took a position as an organizer, and worked as a negotiator and servicer for 6 years for a joint council in Chicago, which included several unions. Among them were the Distillery Union, and the Laborers International Union. Production Workers Union, Sheetmetal Workers Union, and the Laborers International Union. During this time he also attended Roosevelt University, and successfully completed a 4-year course in labor leadership.

Prior to completion of his studies, AFL-CIO Regional Director Dan Healy interviewed and

hired Don as a field representative, where he would serve for 20 years. He then transferred to California, where he began his assistance with the LAOCOC. He served in that capacity for another 8 years, retiring on July 1, 1996.

On Friday, October 4, 1996, the leadership of the AFL-CIO will pay tribute to Don Glenn as he retires after over 25 years of selfless service to the labor movement. I proudly ask my colleagues to rise and join in solidarity paying tribute to Don Glenn on the occasion of his retirement.

#### INDIAN REGIME KILLING FAMILIES OF SIKH ACTIVISTS

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. KING. Mr. Speaker, recent reports show that the Indian regime has been killing and torturing the families of Sikh activists, whom the regime describes as militants. According to the video "Disappearances in Punjab," the grandfather of Paramjit Singh Panjwat, a man in his 80's, was tortured by the regime. His mother was killed and his brother and sister were murdered, as over 50,000 other Sikhs have, according to statements by Justice Aijt Singh Bains, the former judge of the Punjab and Haryana High Court who heads the Punjab Human Rights Organization.

Gurbachan Singh Manochal was the head of the Panthic Committee until he was killed by the security forces. The Panthic Committee is the organization that declared the independence of Khalistan on October 7, 1987. His mother, father, sisters, and brothers—10 people in all—were all killed by the regime.

The Panthic Committee, which represents the full range of Sikh organizations in Punjab, Khalistan, authorized the Council of Khalistan to conduct Khalistan's struggle for freedom. The Council of Khalistan is committed to conducting that struggle by peaceful, democratic, nonviolent means. Even if these people are militants, this does not justify extrajudicial killings, torture, disappearance, and other acts of brutality against their families.

The Sikhs are struggling for freedom against a regime which has stationed half a million troops in Punjab, Khalistan. This oppressive regime continues to hold over 70,000 Sikhs under the repressive "Terrorist and Disruptive Activities Act," which expired last year. It has murdered over 150,000 Sikhs since 1984, including the families of political opponents. It kidnapped human rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs. The regime refuses to allow American citizen Balbir Singh Dhillon to return to his family in California even though the charges against him have been proven false by the Human Rights Wing. Thousands of family members of Sikhs labeled "terrorists" or "militants" have been killed.

#### STATEMENT UPON INTRODUCTION OF THE HOME AND COMMUNITY- BASED CARE ACT

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. GUNDERSON. Mr. Speaker, I am proud to say that I became a Member of the Task Force on Disabilities on the fifth anniversary of the signing of the American with Disabilities Act. As part of that Task Force, I would like to introduce today legislation that encourages the principles of home- and community-based care for the disabled on behalf of the advocates of personal attendants care.

Home- and community-based care allows disabled individuals maximum freedom by providing them with the necessary help to start their day, feed themselves, and perform everyday tasks that you and I take for granted. Often times, this help is the only help needed to send someone to work and to truly integrate that person into society. Just because someone's body might fail them does not mean that their mind does as well, and it is smart government to help facilitate that transition from welfare recipient to taxpayer from both a human and economic standpoint.

While I realize that the Republican Medicaid reform proposals that received wide bipartisan support from Members of Congress and the unanimous support of the National Governors Association would have given states the flexibility to develop these programs, President Clinton chose to twice veto these proposals. Now, in the absence of meaningful Medicaid reform, I am introducing legislation that would give states the needed flexibility to put these important programs in place.

Furthermore, I realize that this proposal is merely the starting point for a very important debate. While more input is needed on all aspects of this legislation, including whatever costs may be associated with it, I wholly support the concept of giving states the necessary tools to administer the most effective and efficient programs that best meet the needs of a diverse constituency.

I applaud Speaker GINGRICH for announcing this Task Force and for bringing the importance of home- and community-based care to light during this 104th Congress.

Please add the following cosponsors on the bill: Mr. GUNDERSON introduced the following bill, along with Mr. GINGRICH of Georgia.

#### HOME BUSINESSES

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to the more than 24 million citizens who have exemplified the American entrepreneurial spirit by establishing businesses in their homes.

Over the past several years, businesses being run from home have continued to increase in both numbers and in their success. From graphic artists to computer consultants, these men and women contribute significantly to the economic growth of our country, the

safety of our neighborhoods, and the health of our families. In addition, home-based business owners serve the community through their extensive volunteer work in our schools, churches, and civic groups.

I also wish to pay tribute to the American Association of Home-Based Businesses, headquartered in Montgomery County, MD, which I am honored to represent in Congress. This national, non-profit association represents the interests of American's home business entrepreneurs through a network of local chapters and a national education program for home-based business owners, as well as by lobbying for the rights and benefits of home-based businesses. Their president, Beverly Williams and their national directors, Jan Caldwell, Betty Stehman, John Scott Williams, Stu Rutchik, and Ron Wohl are community leaders, home-based business owners and outspoken advocates for the benefits and the rights of home businesses.

I am particularly proud to honor the American Association of Home-Based Businesses, their Montgomery chapter, and the city of Gaithersburg, MD, which for the third year in a row has been named one of the top locations for home-based businesses in America by a leading national magazine.

I also want to recognize the first national conference on home-based business sponsored by the Tampa, FL chapter of AAHBB, scheduled for October 11, 12, and 13. In celebration of Home-Based Business Week, October 6 to 12, 1996, I urge my colleagues to join me in commending all of the hard-working Americans who work from home, for their contributions to their communities and the economy. It can truly be said that the success of America starts from its home base.

#### HONORING THE KIWANIS CLUB OF OTTAWA ON THE OCCASION OF THEIR 75TH ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an outstanding service organization located in Ohio's Fifth Congressional District. On November 18, the Kiwanis Club of Ottawa, OH, will celebrate their 75th anniversary.

The city of Ottawa is a community renowned for its civic pride and commitment to service. Kiwanians are individuals who give a little of their time to make this community a better place to live and work. The Ottawa Club has sponsored Boy Scout Troop 224 since 1930 and the Kiwanis Key Club for high school students since 1962. The club helped provide funds for the Ottawa Glandorf High School Band and has conducted a blood screening program annually since 1988. The club erected a new Girl Scout house in 1971. The club also developed Tawa Manor, a housing project for the elderly.

The club has been active in the community from the very beginning. Throughout its history there has never been a lack of enthusiasm or volunteer labor for its many projects. In addition, the Ottawa Kiwanis Club has been active throughout the years in zone, State, and International Kiwanis.

Anniversaries are a time to reflect upon a steadfast tradition of service. They are also a time to look toward new horizons. Kiwanis have made it their responsibility to serve those in need by keeping pace with the ever increasing challenges facing mankind.

Mr. Speaker, it is obvious that the community and the members of the club have greatly benefited from the effort that was started in 1921. I ask my colleagues to join me today in recognizing the achievements of the Ottawa Kiwanians and encourage them to continue to uphold what has become the standard for service in Ohio.

#### TRIBUTE TO DR. EARL CRANE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Dr. Earl R. Crane, who has made and continues to make a tremendous difference in the lives of children in California through his efforts with the Children's Dental Health Center in San Bernardino. Dr. Crane will be recognized for his 40 years of work with the naming of the Dr. Earl R. Crane Children's Dental Health Center on October 3, 1996.

Dr. Crane came to San Bernardino in 1942 as an army dentist at San Bernardino Army Air Base where he settled, and later met and married his wife, Marilyn. Recognizing the need for low-cost dental services for children, Dr. Crane enlisted the support of the Assistance League of San Bernardino, the dental community, and local schools and established the Children's Dental Health Center.

The dental center provides services to children of the working poor in San Bernardino. The goal of the center is to help those who are not on public assistance and who have no dental insurance. Hundreds of students, referred by area schools, are served each year with thousands of varying dental procedures at little or no cost. In addition, all students in the local school district are screened for dental health by the center in the first grade.

Since 1949, the dental center has been located in the Assistance League building. Over the years, Dr. Crane has served on the dental center board and as a liaison between the dental community and the center. The Assistance League of San Bernardino, which has sponsored this philanthropic effort for the children of our community since its inception, has decided to honor the man who founded the center and remains active in its success.

Mr. Speaker, I ask that you join me and our colleagues in recognizing the inspiring efforts of Dr. Earl Crane in making a tremendous difference in the lives of thousands of children during the last 40 years. It is only appropriate that the House recognize this outstanding man at the dedication of the Dr. Earl R. Crane Children's Dental Health Center.

#### TRIBUTE TO CLEO FIELDS

HON. JUANITA MILLENDER-MCDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 26, 1996*

Ms. MILLENDER-MCDONALD. Mr. Speaker, I'd like to thank my colleague, the gentleman from Illinois, for yielding time to me to honor one of this body's most distinguished gentleman, the honorable CLEO FIELDS from the 4th district of Louisiana.

While it pleases me to pay tribute to my dear friend, it saddens me to know that the reason I am here is because of an arbitrary rule change. My son Keith, who is about CLEO's age, tells me, "Mom, you have to be a student of the game", the game being sports.

Over the years I've read a sports page or two. And in my readings I have found that whenever we African-Americans began to excel at a particular sport, there is a "rule change". When Lou Alcindor—also known as Kareem Abdul-Jabbar—began playing college basketball, the NCAA outlawed the slam dunk—a rule change. When Wilt Chamberlain scored more than 100 points in one night, the NBA had a rule change. When Willie Brown became the most powerful speaker ever to preside over the California State Assembly, there was a rule change. And when the Nation's youngest State senator was elected to serve in this body, the most deliberative body in the world, there was a rule change.

These rule changes indicate one thing to me: The struggle has not been ended. There are battles to be fought and wars yet to be won.

It has truly been a pleasure to serve with CLEO on the Small Business Committee. I only wish that we could have served together longer. I have never seen a young man who was so wise beyond his years. He participated in some of the great debates of our committee. He brought clarity to the issues and always answered the call to defend the rights of minority and disadvantaged businesses.

At a time when more of our young black males are in jail than in our universities, we can look to the CLEO FIELDS' of this Nation and know that there is hope. When his son, Cleo Brandon Fields, looks for a role model, we know that his father, CLEO FIELDS, will be there.

As a mother, I am proud to say that I know this young giant, CLEO FIELDS. As a member of the Congressional Black Caucus, I will remember his service and his sacrifice. As an African-American, I will remember that the struggle is not over. And while the rules may change—and change often—we are still in the game.

Godspeed to you, CLEO FIELDS. And may His blessings follow you, Deborah, and Brandon in all of your future endeavors.

#### PROBLEMS WITH EPA'S IMPLEMENTATION OF CLEAN AIR ACT SECTION 183(e)

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. CONDIT. Mr. Speaker, as part of the 1990 Clean Air Act Amendments, Congress

mandated that EPA examine the Volatile Organic Compounds [VOC's] emissions from various consumer and commercial products for the sole purpose of determining which of these VOC emissions contribute to ozone levels which violate the national ambient air quality standard for ozone. After this determination was made, EPA was to list those categories of consumer or commercial products that the Administrator determined, based on the study, accounted for at least 80 percent of the VOC emissions, on a reactivity-adjusted basis, from consumer or commercial products in areas that violate the ozone standard. At that time, the Administrator was to divide the list into 4 groups establishing priorities for regulation based on the criteria established in this law. Every 2 years after promulgating such list, the Administrator is to regulate one group of categories until all 4 groups are regulated.

EPA has recently proposed a rule under Clean Air Act Section 183(e), the law I just described, that would limit the VOC content of paints and coatings. In doing so, EPA has violated not only the letter and intent of this law, but also the intent of the Small Business Regulatory Enforcement Fairness Act [SBREFA], an act that we overwhelmingly passed to protect small businesses from draconian rules such as the one EPA is now proposing. I have been made aware that the overwhelmingly negative impact of this rule will fall predominantly on the shoulders of small paint manufacturers, those who are the least able to bear this burden, the very result we passed SBREFA to avoid.

Clean Air Act Section 183(e) directs EPA to follow certain steps in regulating the emissions of VOC's from consumer and commercial products. The act directs EPA to report to Congress after studying the reactive adjusted basis of emissions of various VOC chemicals from consumer and commercial products. This Report to Congress was supposed to determine the potential extent to which VOC emissions from paints and coatings, and other consumer and commercial products contribute to the exceedance of the ozone standard.

Clean Air Act Section 183(e) sets forth the specific criteria that EPA "shall" use in conducting this Report to Congress. These criteria are, in effect, a mini risk assessment/cost benefit mandate. Section 183(e) sets forth the specific criteria that EPA shall use in conducting this study: The uses, benefits and commercial demand of consumer and commercial products; the health or safety functions (if any) served by such consumer and commercial products; those consumer and commercial products which emit highly reactive VOC's into the ambient air; those consumer and commercial products which are subject to the most cost-effective controls; and the availability of alternatives (if any) to such consumer and commercial products which are of comparable costs, considering health, safety, and environmental impacts. It is important to note that the use of "shall" by Congress means that EPA has no discretion in altering, ignoring, or adding to this list.

After the completion of this study, EPA is to prioritize the regulation of consumer and commercial products, based on this study. "Upon submission of the final report \* \* \* the Administrator shall list those categories of consumer or commercial products that the Administrator determines, based on the study, that account for at least 80 percent of the VOC emissions,

on a reactivity-adjusted basis, from consumer or commercial products in areas that violate the NAAQS for ozone."

Clearly, this law is intended to make EPA examine the underlying science and economic impact of reducing VOC's in consumer and commercial products, and then, if reductions would lower the potential to violate the NAAQS for ozone, EPA could exercise its judgment in comparing these VOC attributes in promulgating the appropriate regulations.

On March 15, 1995, EPA filed with Congress its Clean Air Act Section 183(e) Report. This report to Congress is the predicate that will attempt to justify for EPA the hundreds of consumer and commercial products subject to the regulations it will issue during the next eight years. In this report, EPA states that it did not perform the reactivity analysis, although admitting that such an analysis is required by law.

Congress wanted to have the benefit of EPA's scientific and economic analysis for each consumer and commercial products, so we would know the extent of these VOC's contributions and to ensure that EPA issued regulations that met our objectives as stated in the law. In its 1995 report, EPA has failed to provide this information to Congress. In addition, EPA has yet to provide us with this required information. What are they waiting for? Why do they persist in putting out a rule that they say meets the requirements of Section 183(e) of the Clean Air Act while keeping from Congress the information that we demanded they produce that scientifically and economically justify these far reaching rules?

Instead of focusing on reactive VOC's in products, this report focuses on industries. Instead of focusing on reactivity, this report focuses on volume. Instead of focusing on VOC emissions, it focuses on VOC content. Instead of a detailed study of the uses, benefits, and commercial demand of paint and coatings, the health or safety functions (if any) served by such coatings, the most cost-effective controls on and availability of alternatives (if any) to such coatings which are of comparable costs considering health, safety, and environmental impacts, EPA wrote a nonpeer-reviewed document that purposefully ignores information required by law and, with an apparent prejudice, comes to the presumptive conclusion that VOC's from these industries contribute to ozone without any factual predicate, instead of determining their potential to contribute to ozone levels which violate EPA's ozone standard—the standard mandated by Congress. The fact that EPA has failed to perform its duties is a critical error in our nation's attempt to solve the ozone puzzle.

On June 25, 1996, EPA published an incomplete notice of proposed rulemaking purportedly announcing the draft VOC in paint and coatings rule. This draft, in addition to its other defects, changes the definition of small business because without it, EPA would not have as much control over this industry as it wanted. So, instead of crafting a rule that adheres to established law and regulation, EPA changes the definition to have as much command and control over an industry that it wants, not what Congress mandated. EPA has disregarded our will as clearly stated in the Clean Air Act as well as SBREFA—a law that we overwhelmingly passed and that EPA avoided by publishing this proposed rule three days prior to it going into effect.

An examination of the statements made by Members of this Body at the time this law was being considered highlights EPA's lack of understanding of Clean Air Act section 183(e). During the House of Representatives consideration of this law, Congressman Luken from Ohio made some specific statements regarding reactivity:

It is expected that the study will provide a much needed data base and a better understanding of the relative net environmental impacts of these products. This will provide a sound basis for regulation \* \* \* I am particularly pleased that the language now emphasizes the importance of photochemical reactivity as a key criterion to be used by the Administrator in determining the categories of emissions to be listed. It is commendable that we are recognizing the fundamentals of atmospheric chemistry in this area by requiring that emissions be considered on a reactivity adjusted basis before being considered for regulation. The term reactivity adjusted basis requires a focus of regulatory controls on the more reactive VOCs by relating the amount of urban ozone formed to the weight of the VOC emitted to the ambient air, thereby achieving the most cost effective control measures. I am pleased that we have provided the Administrator very specific factors for determining the criteria for selecting product categories which are to be subject to control.

"The Report of the House Committee on Energy and Commerce on H.R. 3030," H.R. Rep. No. 490, 101st Cong., 2d Sess., pt 1(1990) states that "the Administrator is required to propose regulations reducing [VOC] emissions from consumer and commercial products \* \* \* that may reasonably be anticipated to contribute to ozone levels that violate the NAAQS." In other words, in ozone non-attainment areas.

It is unquestionably clear from this legislative history that: (1) Any rule was to focus solely on nonattainment areas; (2) the study that EPA was to produce was to analyze whether any rule was necessary, as well as analyze the role of consumer and commercial product VOC's at levels that cause the exceedance of the ozone standard; (3) the reactivity test intended by Congress was based upon what happens scientifically at the NAAQS for ozone; (4) that the reactivity study occur PRIOR to any regulation being issued; and (5) that reactivity was key to any rule-making.

Given the above, we are confused by EPA's insistence on regulating VOC's from consumer and commercial products before the required study is performed. Their insistence to do this in the face of no apparent evidence finds no support in the law nor in the legislative history. Furthermore, EPA has purposefully blinded themselves from the fact that small paint companies in attainment areas would be the hardest hit by this rule—again, a result that finds no support in the law nor in the legislative history.

EPA's position is further muddled by regulatory preamble language calling for further analysis, after this rule goes into effect, and after many small paint companies are fatally harmed, so they could adopt future regulations that are even more stringent, is another action that finds no support in the law nor in the legislative history.

Following proposal of this rule the EPA plans to participate in a joint study with the architectural coatings industry. This study

will focus on the feasibility of adopting more stringent VOC requirements in the future. Issues to be investigated include the cost and economic impact of different levels of VOC requirements, reactivity considerations associated with changing coating formulations, and evaluation of physical characteristics and performance characteristics of coating with VOC contents lower than the proposed levels.

We are dismayed by EPA's blatant and now admitted disregard for the law. If a study considering reactivity can be conducted after the rule is promulgated, why can it not be done BEFORE the rule is issued, as commanded by law?

It is our understanding that recent scientific evidence, specifically the findings of this Nation's leading atmospheric scientists, many of whom participated in a 1991 National Academy of Science study entitled "Rethinking the Ozone Problem in Urban and Regional Air Pollution," have found that the VOC's that come from evaporative man-made sources can be examined and compared based on their reactivity and that an evaporative VOC emission elimination strategy will not result in those ozone laden regions of the country coming into attainment with EPA's ozone standard. Many leading scientists' have found that individual VOC reactivities can be very accurately predicted with sophisticated modeling techniques heretofore not utilized by EPA. Most interestingly, these researchers concluded that a regulatory scheme based on considerations of reactivity is more effective at reducing VOC emissions and is cheaper to implement than mass-based controls. It would appear that ignorance of this information would result in the squandering of valuable resources. Why, then, is EPA insisting that an expensive and scientifically dubious regulatory scheme be undertaken?

The Clean Air Act's section 183(e) has instructed EPA to compile and present to Congress a study detailing VOC emissions from consumer and commercial products and to use this study as the foundation for embarking on a course of VOC regulation. EPA is further directed by the law to employ reactivity, the characteristic property of individual VOC's relating to their propensity to contribute to ozone nonattainment, when choosing those products or product categories worthy of regulation. In its notice of regulation published March 23, 1995 in the Federal Register, however, EPA confirms our suspicion that it is shirking its legal responsibility to incorporate reactivity into its regulatory scheme for VOC's. In that notice announcing EPA's intent to regulate on the basis of mass VOC emissions, EPA admits considering reactivity to only a limited extent, expressing concern with reactivity's empirical limitations and uncertainties. EPA cannot hide behind a veil of uncertainty on the reactivity issue. Specifically:

Clean Air Act section 183(e) states that EPA must do a study of VOC's emitted from consumer and commercial products to "determine their potential to contribute to ozone levels which violate the national ambient air quality standards for ozone." The standard stated in the law for the reactivity test.

EPA's report states that, "Because of the uncertainties, inconsistencies, and lack of reactivity data on individual compounds, the EPA concluded that a rigorous determination of the potential of consumer and commercial products to contribute to ozone nonattainment is not possible at this time."

The Report to Congress does not provide the scientific information Congress asked for in order to determine which VOC's from paints and coatings contribute to the exceedance of the ozone standard as established by EPA.

EPA did not rank consumer and commercial products on a reactivity-adjusted basis. EPA has not even created a peer-reviewed reactivity adjusted scale.

EPA added three new criterion, volatility of VOC's, volume of VOC emissions, and regulatory efficiency and program considerations. This later criterion will allow EPA to "exercise discretion in adjusting the product category rankings \* \* \* to achieve an equitable and practical regulatory program." EPA views this amendment to the Clean Air Act as at least as equal to those Congress set in Clean Air Act § 183(e).

We are also concerned with EPA's apparent indifference to the disparate impact this rule will have on industry, particularly small business. EPA's calculation of the proposed rule's economic cost does not consider the human terms—lost jobs or lost small, family-owned businesses, an issue that directly mandated to be considered under Clean Air Act Section 309. We are deeply concerned that the negative impact of compliance costs will fall hardest upon lower-income wage earners employed in the coating industry; many minority earners and low-income whites would lose their jobs in the fallout, while not reaching the goal of ozone attainment. EPA must be aware of this reality if it is to regulate an entire industry. EPA's granting of a longer compliance timetable is nothing more than a longer stay on death row for many of these companies—the result of business closure is the same.

The compliance costs of reformulating or re-outfitting operations is staggering. The South Coast Air Quality Management District in California has been regulating consumer and commercial product VOC levels for several years; it is their expert assessment that the economic impact of controls for a desired reduction of VOC emissions of the approximately 18 percent EPA's regulation of VOC's in paints, is over \$1.5 billion based upon their experienced determination that paint and coating VOC control costs are \$16,400 per ton.

EPA, in various letters to fellow Members of Congress, estimates the cost at \$40 million. How can EPA be two orders of magnitude lower than experienced regulators? More importantly, how does EPA think it can pass a rule by ignoring basic scientific principles, by possessing insufficient legal authority, and having the rule cost so much money? Why are you insisting on reducing VOC levels in paint beyond that considered by the statute (assuming such reductions would reduce the potential to contribute to ozone levels which violate the ozone standard)?

We strongly urge EPA to take a long look at the core legal and economic issues, including the effect of this regulation on coating used as an intermediary in various manufacturing processes, as well as the peripheral details surrounding its desire to regulate consumer and commercial products. In no way can EPA exact such a great price from the American public when its science is wrong and its legal authority so tenuous.

What is also clear is that EPA has mis-handled our specific charge to them regarding Clean Air Act section 183(e). We urge you to stop any and all regulatory action on this issue

until a proper, peer reviewed analysis is conducted pursuant to Clean Air Act section 183(e). Vigilance and oversight is needed to ensure that the paint industry, especially small paint companies, do not pay the harsh price of demise for EPA's lack of understanding.

## IMMIGRATION COURT

HON. BILL MCCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. MCCOLLUM. Mr. Speaker, today I am introducing legislation to establish a new United States Immigration Court. This bill will remove the immigration adjudication functions from the Justice Department and invest them in a new article I court, composed of a trial division and an appellate division whose decisions will be appealable to the Court of Appeals for the Federal Circuit.

The system for adjudicating immigration matters has matured tremendously over the last 15 years. Special inquiry judges have become true immigration judges in just about every aspect but name, and the immigration reform conference report that the House passed on Wednesday rectifies that situation. The Board of Immigration Appeals has been greatly expanded, and the whole Executive Office for Immigration Review has been separated from the Immigration and Naturalization Service.

Yet much of this system, including the Board of Immigration Appeals, does not exist in statute. And while separated from the INS, aliens still take their cases before judges who are employed by the same department as the trial attorneys who are prosecuting them.

I believe it is time to take the next logical step and establish a full-blown adjudicatory system in statute, and I believe that such a system should be independent of the Justice Department. This is not a new concept. I first introduced legislation to take this step in 1982, and I continue to believe that an article I court would allow for more efficient and streamlined consideration of immigration claims with enhanced confidence by aliens and practitioners in the fairness and independence of the process.

The bill I am introducing today provides a solid framework on which to build debate on this important and far-reaching reform. I look forward to working with all interested parties in fine-tuning and further developing this proposal where necessary and enacting this much needed reform in the next Congress.

### SECTION-BY-SECTION ANALYSIS

#### SECTION 1. SHORT TITLE; AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT; TABLE OF CONTENTS

The short title of the bill is the "United States Immigration Court Act of 1996." Subsection (b) provides that all amendments made by this bill are to the Immigration and Nationality Act (INA), unless otherwise specified. Subsection (c) is a table of contents.

#### SEC. 2. ESTABLISHMENT OF UNITED STATES IMMIGRATION COURT

Subsection (a) establishes the United States Immigration Court under a new chapter 2 title I of the Immigration and Nationality Act. The following is a section-by-section analysis of that new chapter:

Section 111 establishes the United States Immigration Court as a court of record under article I of the Constitution of the United States. The Court consists of two divisions: the trial division and the appellate division.

Section 112. Appellate Division. Subsection (a) provides for the appointment by the President, by and with the advice and consent of the Senate, of a chief immigration appeals judge and five other immigration appeals judges.

Subsection (b) sets the term of office for appeals judges at 15 years, with the first group of judges to be appointed for staggered terms.

Subsection (c) sets the compensation for the chief immigration appeals judge at 94 percent of the next to the highest rate of basic pay for the Senior Executive Service, and the compensation for the other appeals judges at 93 percent.

Subsection (d) makes the chief immigration appeals judge responsible on behalf of the appellate division for the administrative operations of the Immigration Court.

Subsection (e) provides that three appeals judges constitute a quorum.

Subsection (f) provides that the appellate division shall act in panels of three or in banc, and a final decision of such panel shall be a final decision of the appellate division.

Subsection (g) outlines the process for the removal of appeals judges, which shall only be for incompetency, misconduct, neglect of duty, engaging in the practice of law, or physical or mental disability and shall be by the Court of Appeals for the Federal Circuit.

Subsection (h) provides for the payment of expenses for travel and subsistence for appeals judges while traveling on duty and away from their designated stations.

Section 113. Trial Division. Subsection (a) provides for a chief immigration trial judge, to be appointed by the chief immigration appeals judge. Every current immigration judge who is qualified under this Act to be an immigration trial judge shall be appointed by the chief immigration appeals judge.

Subsection (b) sets the term of office for trial judges at 15 years.

Subsection (c) establishes the rates of pay for immigration trial judges.

Subsection (d) makes the chief immigration trial judge responsible for administrative activities affecting the trial division and gives him/her the authority to designate any trial judge to hear any case over which the trial division has jurisdiction.

Subsection (e) provides that trial judges may be removed in the same manner as appeals judges, except removal shall be by the appellate division rather than the Court of Appeals for the Federal Circuit.

Subsection (f) outlines the authority of trial judges in conducting hearings.

Subsection (g) provides that witnesses shall be paid the same fee and mileage allowance as witnesses in any other court in the U.S.

Subsection (h) provides for the payment of expenses for travel and subsistence for trial judges while traveling on duty and away from their designated stations.

Section 114 outlines the jurisdiction of the appellate and trial divisions.

Subsection (a) outlines the jurisdiction of the appellate division as follows.

Paragraph (1) provides that the appellate division shall hear and determine appeals from final decisions of immigration trial judges, decisions involving the imposition of administrative fines and penalties under title II of the INA, and decisions on petitions filed under section 204 for immigrant status and under 205 revoking approval of such petitions.



Paragraph (2) provides that either party to a case may appeal an immigration trial judge's decision to the appellate division. Appeals from final orders of deportation and exclusion are to be filed not later than 20 days after the date of final order. Review of an immigration trial judge's decision shall be based solely upon the trial record, and the findings of fact by the trial judge are conclusive if supported by reasonable, substantial, and probative evidence on the record considered as a whole.

Paragraph (3) provides that a final decision of the appellate division is binding on all immigration trial judges, immigration officers, and consular officers unless and until otherwise modified or reversed by the Court of Appeals for the Federal Circuit or the Supreme Court.

Paragraph (4) requires the appellate division to render a decision on an appeal respecting an asylum claim no later than 60 days after the date the appeal is filed.

Subsection (b) outlines the jurisdiction of the trial division as follows:

Paragraph (1) provides that the trial division shall hear and decide exclusion and deportation cases (including asylum and discretionary relief requests raised in such cases); rescission of adjustment of status cases; applications for asylum referred to the Immigration Court by the Attorney General for adjudication; contested assessments of civil penalties under employer sanctions, contested determinations relating to bond, parole, or detention of an alien; and such other cases arising under the INA as the appellate division may provide by regulation.

Paragraph (2) outlines the duties of immigration trial judges including recording and receiving evidence and rendering findings of fact and conclusions of law, determining all applications for discretionary relief which may properly be raised in the proceedings, and exercising such discretion conferred upon the Attorney General by law as may be necessary for the just and equitable disposition of cases.

Section 115. Rules of Court. Subsection (a) directs the appellate division to promulgate rules of court governing practice and procedure in the appellate and trial divisions.

Subsection (b) provides that each non-governmental party in a proceeding shall have the privilege of being represented (at no expense to the government), and the rules of the court shall provide for the admission of qualified attorneys and nonattorneys to practice before the court.

Subsection (c) give each division of the Immigration Court contempt power.

Subsection (d) authorizes the Immigration Court to impose such fees as it may provide for under its rules and procedures.

Section 116. Retirement of Judges; Senior Judges. Subsection (a) provides that a judge of the Immigration Court shall be retired upon reaching the age of 70; a judge who is 65 may retire after serving as a judge for 15 or more years; a judge who is not reappointed upon the expiration of his/her term may retire if the judge has served as an Immigration Court judge for 15 or more years and advised the appointing authority of his/her willingness to accept reappointment. A judge who becomes permanently disabled from performing judicial duties shall be retired. Computation and payment of retirement pay, election to receive retired pay, coordination with civil service retirement, and revocation of an election to receive retired pay for and by Immigration Court judges shall be dealt with in the same way as for judges of the United States Tax Court. Judges shall not receive retired pay for any periods during which they accept any civil office or employment with the U.S. government (other than as a senior judge) or during which they pro-

vide legal services to clients in a case arising under this chapter.

Subsection (b) allows judges of the Immigration Court to provide annuities to their surviving spouses and dependent children in the same way as provided for judges of the United States Tax Court. Amounts deducted and withheld from the salaries of judges of the Immigration Court for this purpose shall be deposited in the Treasury to the credit of a fund to be known as the "Immigration Court judges survivors annuity fund".

Subsection (c) provides for senior immigration appeals and trial judges, who are retired judges who may be recalled, with their consent, to perform duties as an immigration appeals or trial judge.

Subsection (b) is a conforming amendment to the table of contents of the INA adding the new chapter 2 and sections 111 through 116.

Subsection (c) includes effective dates and transition provisions. Except as otherwise provided, the amendments made by this section shall take effect on the date of enactment. Section 113(c) (relating to compensation of immigration trial judges) shall take effect 90 days after the date of enactment.

Paragraph (2) outlines a timetable for establishment of the Immigration Court. The President is to nominate the chief immigration appeals judge and other appeals judges not later than 14 days after enactment. The chief immigration appeals judge shall designate a date, not later than 30 days after she/he and a majority of the other appeals judges are appointed, on which the appellate division shall assume the functions of the Board of Immigration Appeals. The chief immigration appeals judge shall appoint trial judges pursuant to section 113(a)(2) promptly after being appointed. The appellate division shall provide promptly for the establishment of interim final rules of practice and procedure which will apply after the hearing transition date.

Paragraph (3) directs the chief immigration appeals judge, in consultation with the Attorney General, to designate a transition date, not later than 45 days after the date interim final rules of practice and procedure are established under paragraph (2)(C). During the period before the transition hearing date, any proceeding or hearing under the INA that may be conducted by a special inquiry officer or immigration judge may be conducted by an immigration trial judge.

Paragraph (4) provides continuing authority for individuals who are special inquiry officers or immigration judges on the date of enactment and on the transition date to continue to conduct proceedings or hearings after the transition date for two years after the date of enactment.

Paragraph (5) provides for the continuation of all existing powers, rights, and jurisdiction and deems the appellate division to be a continuation of the Board of Immigration Appeals and immigration trial judges to be a continuation of special inquiry officers or immigration judges with respect to deportation and exclusion cases and asylum applications pending as of the transition date.

#### SEC. 3. JUDICIAL REVIEW OF IMMIGRATION COURT DECISIONS

Subsection (a) amends section 106(a) of the INA to provide that petitions for review of Immigration Court decisions must be filed not later than 30 days after the date of issuance of the final deportation order (currently 90 days except for aggravated felons who have 30 days.) Petitions for review shall be filed with the Court of Appeals for the Federal Circuit. The Court of Appeals shall decide the petition only on the record of the Immigration Court, the Immigration Court's finding of fact are conclusive if supported by

reasonable, substantial, and probative evidence on the record considered as a whole, and a decision that an alien is not eligible for admission to the United States is conclusive unless manifestly contrary to law.

Subsection (b) adds the following new subsections to section 106 of the INA:

New subsection (f) provides that review of determinations relating to asylum applications shall be limited to whether the Immigration Court properly exercised jurisdiction, whether the determination as made in compliance with applicable laws and regulations, the constitutionality of those laws and regulations, and whether the decisions were arbitrary and capricious.

New subsection (g) provides that only the Court of Appeals for the Federal Circuit shall have jurisdiction to hear petitions relating to asylum; only the Immigration Court, the Court of Appeals for the Federal Circuit, and the Supreme Court may entertain habeas corpus applications or grant injunctive or declaratory relief with respect to an immigration matter; the Court of Appeals for the Federal Circuit shall have exclusion jurisdiction to review all constitutional issues relating to an immigration matter by writ of certiorari filed no later than 30 days from the date of the final order of the appellate division relating to that matter; in the case of a writ of certiorari, if a question of fact is presented, a determination of fact previously made by the Attorney General or Immigration Court shall be conclusive if supported in the record by reasonable, substantial, and probative evidence on the record considered as a whole, and if no determination was previously made, the Court may provide for a hearing before an immigration trial judge to make the appropriate findings of fact. Notwithstanding any other provision of law, no court shall have jurisdiction to review decisions by either division of the Immigration Court respecting reopening or reconsideration of deportation or exclusion proceedings or asylum determinations outside of such proceedings, the reopening of an application for asylum because of changed circumstances, or the Attorney General's denial of a stay of execution of a deportation order.

Subsection (c) amends the United States Code to expand the jurisdiction of the Court of Appeals of the Federal Circuit in conformance with the amendments made by this Act to section 106 of the INA.

Subsection (d) provides for the amendments of this section to take effect upon the hearing transition date designated under section 2(c)(3).

#### SEC. 4. REFORM OF ASYLUM

Subsection (a) replaces the current section 208 of the INA provision on asylum with a new section 208, which is consistent in most aspects with the language in H.R. 2202, with conforming amendments to reflect the new role of the Immigration Court.

New subsection (a) provides that an alien in or arriving in the U.S. may apply for asylum, unless the Attorney General determines that the alien can be returned to a safe third country, the alien did not apply within 180 days of arriving in the United States (absent a showing of changed circumstances or extraordinary circumstances), or the alien previously applied and was denied (absent a showing of changed circumstances). Judicial review of a determination by the AG under this provision is limited to the Immigration Court.

New subsection (b) provides that the Attorney General may grant asylum to an alien who has complied with this section whom the Immigration Court or an asylum officer determines is a refugee. However, asylum may not be granted if the Immigration Court

finds that the alien participated in persecution, the alien has been convicted of a particularly serious crime, there are serious reasons for believing the alien committed a serious nonpolitical crime outside the U.S., there are reasonable grounds for regarding the alien as a threat to U.S. security, the alien is excludable or deportable because of terrorist activities, or the alien was firmly resettled in another country prior to arriving in the U.S.

New subsection (c) outlines the status of aliens granted asylum. Asylum may be terminated if the Attorney General asserts and the Immigration Court finds that the alien no longer is a refugee because of changed circumstances, the alien is not eligible for asylum for one of the reasons listed in the previous paragraph, the alien may be deported to a safe third country, the alien has voluntarily returned to his/her country, or the alien has acquired a new nationality. An alien whose asylum status has been terminated is subject to deportation.

New subsection (d) outlines the procedure for applying for asylum. Affirmative asylum applications shall be filed with the Attorney General and reviewed by an asylum officer. Aliens who unquestionably are eligible will be referred directly to the Attorney General; aliens whose eligibility is questionable will be referred to the Immigration Court for adjudication. At the time of filing an application, the alien shall be advised of the privilege of being represented and the consequences of filing a frivolous claim (permanent ineligibility for immigration benefits), and shall be provided a list of pro bono immigration lawyers, which shall be compiled and updated by the Immigration Court. Absent exceptional circumstances, a decision by an immigration trial judge of an affirmative asylum claim shall be issued not later than 45 days after it was referred to the Court. An appeal to the appellate division shall be filed within 20 days of a trial judge's decision granting or denying asylum or within 20 days of the completion of deportation or exclusion proceedings.

#### SEC. 5. CONFORMING AMENDMENTS.

This section makes conforming amendments to section 209(a)(2) (adjustment of status of refugees), section 234 (physical and mental examination of aliens), section 235 (inspection by immigration officers), section 236 (exclusion proceedings), section 242 (apprehension and deportation of aliens), section 242A (expedited deportation of aliens convicted of committing aggravated felonies), section 242B (deportation procedures), section 243(h) (withholding of deportation), section 244 (suspension of deportation; voluntary departure), section 246(a) (rescission of adjustment of status), section 273(d) (regarding stowaways), section 279 (jurisdiction of district courts), section 291 (burden of proof), section 292 (right to counsel), section 360(c) (exclusion of aliens issued certificate of identity) of the INA and to section 235(b) (expedited exclusion) as amended by section 422 of the Antiterrorism and Effective Death Penalty Act of 1996.

#### SEC. 6. EFFECTIVE DATE; SEVERABILITY.

Subsection (a) makes the amendments made by section 5 effective on the transition hearing date designated pursuant to section 2(c)(3) of this Act.

Subsection (b) is a severability clause.

## MEDICAID CERTIFICATION ACT OF 1995

SPEECH OF

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 24, 1996*

Mr. BARCIA. Mr. Speaker, I rise in support of H.R. 1791, a bill which provides the proper respect due osteopathic physicians, who provide a great service to millions of Americans.

With most of the doctors of osteopathic medicine being involved in primary care practices, it is high time that we reinstated osteopathic physicians as an eligible group of physicians to receive Medicaid reimbursement. There are thousands of osteopathic physicians in Michigan, more than in any other State, and a significant number in my own district. When one multiplies this group by the number of patients they serve, it is very easy to see that this error in OBRA '90 is of great consequence to many of our constituents.

I have been a great supporter of osteopathic medicine for some time. In the last Congress I sponsored House Concurrent Resolution 173 calling for the certain inclusion of osteopathic medicine as a key form of care in any health care proposal. It is only right that we take care to make sure osteopathic physicians are included in our current health care arsenal while we continue to work on improvements in our health care system.

One of the great frustrations the public has with the Government is when it seems to take forever for anyone to admit a mistake has been made, and even longer to correct it. This legislation is for the benefit of the health-care seeking public. It restores previously provided treatment that we erroneously terminated, and is long overdue. It deserves the support of all of our colleagues. I urge the adoption of H.R. 1791.

## INTRODUCTION OF LEGISLATION TO ENCOURAGE CHARITABLE CONTRIBUTIONS OF CLOSELY-HELD CORPORATIONS

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Ms. DUNN of Washington. Mr. Speaker, government at every level—Federal, State, and local—are being forced to reduce spending. At the same time, government should do all it can reasonably do to encourage private philanthropic efforts. Many of these government services can be provided at the local level by charities that know the community best and can supply the most efficient and competent delivery of services to those most in need. Public charities and private foundations already have proven they can distribute funds to a very diverse, wide-ranging group of support organizations at the community level.

One source of untapped resources for charitable purposes is closely-held corporate stock. Today the tax cost of contributing closely-held stock to a charity or foundation is prohibitive, and discourages families and owners from disposing of their businesses in this manner. This legislation, which I introduce today, will correct

this problem by once again permitting certain tax-free liquidations of closely-held corporations into one or more tax exempt 501(c)(3) organizations.

Under current law, the problem with giving closely-held stock to charity is that the absence of a market for such stock and the typical pattern of small and sporadic dividends paid by such companies make it difficult for a charity to benefit from ownership of such stock. Accordingly, if such stock is given to a charitable organization, and in particular if a controlling interest is given, the corporation may have to be liquidated either by statute requirement or to effectively complete the transfer of assets to the charity for its use. Under current law, such a liquidation would incur a corporate tax at a Federal tax rate of 35 percent.

This cost is imposed as a result of the tax law changes made in 1986 that repealed the general utilities doctrine and thus imposed a corporate level tax on all corporate transfers, including those to tax exempt organizations. The charitable organization could also be subject to unrelated business income taxes. These tax costs make contributions of closely-held stock a costly and ineffective means of transferring resources to charity, and these are the costs I propose to eliminate in order to free up additional private resources for charitable purposes.

This legislation eliminates the corporate tax upon liquidation of a qualifying closely-held corporation of certain conditions are met. Most importantly, qualification would require that 80 percent or more of the stock must be bequeathed at death to a 501(c)(3) tax-exempt organization. The bill also clarifies that the charity can receive mortgaged property in a qualified liquidation free from unrelated business income tax for a period of ten years. This change parallels the exemption from UBIT for 10 years provided under current law for direct transfers by gift or bequest.

By eliminating the corporate tax upon liquidation Congress would encourage additional, and much needed, transfer to charity. Individuals who are willing to make generous bequests of companies and assets they have spent years building should not be discouraged by seeing the value of their gifts so substantially reduced by taxes. It is worthwhile to note that the individual donor does not receive any tax benefit from the proposal. All tax savings go to the charity.

I urge all of my colleagues to support this important legislation designed to encourage charitable contributions.

## TRIBUTE TO GEN. JAMES R. JOY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to a great American, Brig. Gen. James R. Joy, USMC, retired. General Joy's retirement from the Directorship of Morale, Welfare and Recreation Support Activity, Manpower Department, Marine Corps Headquarters, completes a brilliant military career.

In June 1957, James Joy was commissioned a second lieutenant in the U.S. Marine Corps. Upon his graduation from the basic

school in February 1958, Joy reported to Camp Pendleton to serve as a platoon leader with the 1st Marine Division. Just 1 year later, Joy received orders to the aircraft carrier U.S.S. *Oriskany* CVA-3, as the executive officer of the Marine detachment.

Following sea duty aboard the *Oriskany*, Joy was promoted to captain during a 3-year tour at Marine Corps Air Station, Santa Ana, CA. In 1963, Joy came to Washington, DC, for duty with the 13th Infantry Battalion, USMCR, but soon went to Vietnam with the 26th Marines. It was during this tour that he was promoted to major. Joy returned to Quantico in 1967 to attend the Command and Staff College, and upon graduation was assigned to the Office of the Secretary of Defense, in Washington, DC.

A second tour in Vietnam came in July 1971, followed by duty as the commanding officer of the Marine Barracks in the Canal Zone, with additional duty as Marine officer on the staff of the commander, U.S. Naval Forces, Southern Command. It was in this position that Joy was promoted to lieutenant colonel. Joy then spent 3 years at Headquarters Marine Corps, in the operations division, operations training department. During the 1978-1979 academic year, he attended the Army War College in Carlisle Barracks, PA. Upon graduation, Joy reported to Camp Lejeune for duty for the 2d Marine Division, where he ultimately served as chief of staff. He was promoted to colonel in July 1979.

General Joy was assigned duty as Fleet Marine Officer on the staff of the commander, 6th Fleet in May 1982. There, he was promoted to brigadier general. In 1983, he was assigned as the assistant division commander, 2d Marine Division, at Camp Lejeune, NC. Four months later Joy became commanding general of the 22d Marine Amphibious Units in Lebanon. The following February, he became the commander of the joint task force in Lebanon. In May 1984, Joy was selected for deputy commanding general, Marine Corps Recruit Depot/Deputy Commanding General, Eastern Recruiting Region, Parris Island, SC. Shortly thereafter, in June 1985, Joy became the Director of the Personnel Procurement Division, Manpower Department, at Marine Corps Headquarters. Joy retired from active duty on June 1, 1988, and the very next day assumed his current position as director of the Morale, Welfare and Recreation Support Activity, Manpower Department.

Throughout his career, General Joy earned numerous awards and decorations, and has continually proven himself to be among the best this country has to offer. As a member and former chairman of the House Panel on Morale, Welfare and Recreation, I know that General Joy's knowledge and expertise have been invaluable to our efforts to improve the lives of those who serve in our Nation's Armed Forces. His guidance will be sorely missed. I ask my colleagues to join me in honoring this American patriot, and wish him continued fulfillment in his retirement.

## TRIBUTE TO THE LIONS CLUB OF UTICA FOR 50 YEARS OF SERVICE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. LEVIN. Mr. Speaker, I rise today to pay tribute to the men and women of the Lions Club of Utica who celebrate 50 years of outstanding service to the community.

Since their founding in October 1946, the Lions have been at the forefront of efforts to improve the neighborhoods of Utica and beyond. This year alone, the Lions Club raised \$28,000, all of which will be donated to charity. These donations represent long hours of hard work by dedicated members who collect pledges \$1 at a time.

The Lions Club has a long tradition of providing services for the blind including a meaningful partnership with Leader Dogs for the Blind. In addition, the Lions have provided uniforms for the Utica High School Band and has helped finance excursions for both the Utica and Ford High School Bands to numerous destinations.

Over the years, I have had the pleasure of becoming acquainted with many Lions and have observed first-hand the commitment and generosity of these men and women.

Mr. Speaker, on Friday, October 4, the Lions Club of Utica will celebrate 50 years of service with a commemorative dinner at Club Monte Carlo. I would like to offer my sincere appreciation for their charitable work and encourage them to continue their rich tradition of serving the community for many years to come.

## THE REPUBLIC OF CHINA'S NATIONAL DAY

HON. BILL K. BREWSTER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. BREWSTER. Mr. Speaker, I rise today in recognition of the Republic of China's 85th National Day, which will be celebrated on October 10, 1996.

Much has been written about Taiwan's economic achievements in recent years, but a broad range of political reforms have also taken place in the Republic of China on Taiwan during the last few years. Today, every member of Taiwan's legislative and representative institutions are chosen through free and open elections. In March 1996, Taiwan held its first ever presidential election. Taiwan's multi-party system encourages broad scale representation, and American style campaigns. In addition, an individual's right to free speech, assembly and petition are virtually unrestricted. The Republic of China is now ranked as one of the world's freest nations.

In celebration of the Republic of China's National Day, I want to congratulate President Lee Teng-hui and Vice President Lien Chan, and thank them for their outstanding leadership. I also wish to welcome Taiwan's Representative, Jason Hu, to Washington, DC. During the last 3 months, Representative Hu has been working very hard to strengthen our relations with Taiwan.

In conclusion, I also want to congratulate Dr. Lyushun Shen on his promotion and transfer to Taiwan. I had the pleasure of working with Dr. Shen while he served as the Congressional Liaison Director at the Taipei Economic and Cultural Representative Office in Washington, DC. Through his efforts in the past 3 years, we have seen our relationship with Taiwan improve and grow. Dr. Shen is a first rate diplomat, and I wish him all the best in his new post.

## COMMENDATION OF JANET WELLS

HON. LOUISE MCINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Ms. SLAUGHTER. Mr. Speaker, I am here today to commend a remarkable young lady at Thomas Middle School in my district. Her name is Janet Wells.

In an effort to increase awareness about community clean-up efforts, Janet contacted surrounding school districts to organize a picture drawing campaign for Members of Congress. She thought maybe a picture or two might get the attention of Washington. Little did she know how her efforts would pay off. Over 800 drawings, envelope after envelope of pictures by children imagining the world 50 years from now arrived in her mailbox. Janet shared these drawings with my staff and me.

Animals and clouds in vibrant colors, in crayon, ink or wax, should be a not so gentle reminder that the decisions we in the Congress make today, whether they concern air or water quality, emissions or brownfields, profoundly shape the world Janet and her classmates will inherit.

Thank you, Janet. And yes, you make a difference. It's a delight to know we live in the same community.

## TRIBUTE TO THE HONORABLE HAROLD E. FORD

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. DIXON. Mr. Speaker, I rise today to salute the outstanding congressional career of my good friend and colleague, Representative HAROLD E. FORD. HAROLD's retirement from the Congress caps more than two decades representing the interests of the people of the 9th Congressional District of Memphis, Tennessee.

Scion of one of Memphis' most influential African-American families, in 1974 HAROLD became the first African-American to be elected to the United States Congress from the great state of Tennessee. His arrival in Washington was greeted with great enthusiasm, and he wasted little time in carving out a role as a pivotal player in helping to shape this nation's welfare and unemployment compensation policies.

He was named to a seat on the influential Ways and Means Committee. In 1981 he became the then-youngest member of Congress

to chair a subcommittee when he was selected Chairman of the committee's Subcommittee on Public Assistance and Unemployment Compensation—later changed to the Subcommittee on Human Resources.

As chair, HAROLD presided over many of the essential, life-sustaining programs of the past four decades, including Aid to Families with Dependent Children (AFDC), Child Welfare and Foster Care, Unemployment Compensation, title XX and Supplemental Security Income, and the Low Income Energy Assistance program. His leadership to preserve and increase authorizations for these programs was at times a lonely and uphill battle. However, HAROLD never faltered and he never lost sight of what would happen to the recipients of these programs should they be subjected to the massive cuts proposed by those who sought to reorder the nation's priorities in caring for its needy citizens.

In 1988, HAROLD authored the Family Support Act, legislation designed to radically overhaul this nation's welfare system. That he helped to strengthen the social safety net for millions of the disenfranchised stands as a fitting legacy of his service to our nation. In the face of many obstacles, and yes—a few pitfalls—HAROLD stayed strong, and HAROLD persevered.

As a member of the Congressional Black Caucus (CBC), HAROLD served during a time of tremendous growth and change. In 1975, there were fewer than 20 CBC members. Today that number has nearly doubled. Yes, much remains to be done, however, HAROLD hopes to fulfill his obligation to that effort by helping to pass the torch to his son, Harold Ford, Jr., in November.

Mr. Speaker, one of the nicest things about serving in Congress is the fine friends you make along the way. HAROLD has been one of those people whose friendship I shall always cherish. It has been a privilege to serve with him in this great institution, and I will miss seeing him on the floor when the 105th Congress convenes. He has however fought the good fight and earned his rest.

I am proud to call him my friend and to personally thank him for the many distinguished contributions that he has made to the nation. As he sets course on a new trail, I wish him and his beloved family everything bright that life has to offer.

#### PERSONAL EXPLANATION

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. DELLUMS. Mr. Speaker, I am unable to vote today due to medical reasons. I regret missing the day's important votes.

#### AUTHORIZING STATES TO DENY PUBLIC EDUCATION BENEFITS TO CERTAIN ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES

SPEECH OF

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 25, 1996*

Mr. CLAY. Mr. Speaker, I oppose H.R. 4134 as an outrageous attempt to punish children for the illegal conduct of their parents. The sentence to be meted on these innocent children is ignorance, imposed by the States with the express explicit encouragement of the Federal Government. H.R. 4134 is below the dignity of this Nation and should be rejected.

One of the sad legacies of this Congress will be the contemptuous disregard of the Republican majority for legislative integrity in this institution. Once again, with this bill, the Republican majority rushed legislation to the floor without careful consideration.

As ranking Democrat on the Committee on Economic and Educational Opportunities, I would have appreciated an opportunity to have that committee analyze the enormous impact of this bill on local, State, and Federal education policy. I am very disappointed that the Republican leadership of the Opportunities Committee failed to assert its clear jurisdiction over this bill.

Grave questions haunt this bill. And because no hearing or markup was held on this legislation, major concerns have been left unresolved. For instance, how will public school administrators and teachers carry out the enormous mandate this bill will generate? Is it fair, moral, or even practical to expect teachers to identify and expel from the classroom children who are not lawfully present in the United States? What effect will the bill have on administration, planning, and classroom decorum and order? And perhaps of greatest concern to me is this question: What emotional harm will children suffer as they try to learn in an environment fraught with suspicion, discrimination, and finger-pointing?

Without sufficient consideration of these and many other questions, both the process and substance relevant to H.R. 4134 are deeply flawed. I urge its defeat.

#### PAYING TRIBUTE TO DR. HENRY A. JORDAN

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise to recognize and pay tribute to an outstanding preservationist and Pennsylvanian, Dr. Henry A. Jordan of Chester County. Dr. Jordan is a great leader on protecting our Nation's heritage. He has made an enormous contribution to this cause. On October 1, 1996, Dr. Jordan will step down as chairman of the board of the National Trust for Historic Preservation, the only national preservation organization in the country. As chairman, he has been a forceful and consistent advocate for building a holistic approach through which in-

dividuals and organizations work together to preserve our communities and make our neighborhoods better places to live.

The National Trust was chartered by Congress in 1949 to lead our Nation's efforts to conserve our rich and diverse history. During Dr. Jordan's 9 years service on the trust's board, he has brought the National Trust to new levels of effectiveness. He has worked tirelessly to make preservation relevant and has demonstrated that preservation is an efficient tool for economic development, downtown revitalization, and sustainable, community planning.

Dr. Jordan's longstanding contribution to the National Trust is but one significant highlight in his long dedication to our Nation's heritage at the national, State, and local levels. His active involvement in both historic preservation and conservation include his service as a director and president of the Yellow Springs Foundation from 1973 to 1977; as a director of the French and Pickering Creeks Conservation Trust from 1982 to 1989; and as a member of the Chester County Open Space Task Force, which was instrumental in getting voter approval for a \$50 million bond issue for open space and historic preservation in 1989. He also served as a director and as president of Preservation Pennsylvania, Pennsylvania's statewide preservation organization, from Dr. Jordan's commitment to our American heritage continues with his current roles as chairman of the Countryside Institute, chairman of the Chester County Planning Commission, chairman of the Chester County Community Foundation, a director of the National Coalition of Heritage Areas, and with his service on the board of advisors for the School of Natural Resources at the University of Vermont.

As Dr. Henry Jordan's representative in the U.S. Congress, I salute his commitment and accomplishments in advancing historic preservation and natural resource conservation.

#### A TRIBUTE TO COACH JIM FEGAN

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. LoBIONDO. Mr. Speaker, on November 9 the career of one of the best teachers I've been privileged to know will come to a close. On that day, Jim Fegan will end his 36-year tenure as head football coach at Georgetown Prep, located just outside this city. In that time, he has never missed a practice, posted 33 winning seasons, 9 of which were undefeated, won 13 league titles and a metropolitan area No. 1 ranking. His teams' records total 230 wins, 61 losses, and 12 ties entering this season. I take pride in not only having played for Coach Fegan, but also in having served as a cocaptain on one of his "very best" teams.

The story of his career and the values he has imparted to his players, his student body, and his institution are reflected in, but cannot be measured by, his won-lost records, nor in the numerous awards he has won. His lessons for me and my teammates during his first season in 1961 and for all that followed were every bit as much about personal responsibility for mistakes, dedication to team in lieu of personal goals, the importance of academics

over athletics, acceptable and unacceptable personal behavior, dealing with success as well as failure, and realizing that there is no easy way to success, as they were about blocking and tackling.

All the more remarkable is that this level of successful instruction has been sustained over a period of great change in society's values and society's attitudes.

Coach Fegan, his wife Barbara (Bunny) Fegan, and his children and grandchildren are all a vital part of Georgetown Prep's family. He has played a large role in preparing so many students for the practical challenges of later life. As one who was fortunate to benefit from his great lessons, I am proud to commend him to you as an exemplary educator and mentor.

#### HONORING RUBEN DIAZ ON THE OCCASION OF HIS RETIREMENT FROM THE AFL-CIO

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. TORRES. Mr. Speaker, I rise today to honor Ruben Diaz on the occasion of his retirement from the AFL-CIO after over 40 years of dedicated service.

At 17, Ruben became a member of Retail Clerks Local 770, while working at Bi-Rite Markets in Los Angeles. One year later, in 1952, he listed in the Army with the U.S. Army Airborne Division, serving our country until 1955. After leaving the Army, he began working for ITT Cannon, in Los Angeles. He then joined the United Auto Workers, Local 509 and immediately became involved in union-related activities. He served on the PAC Committee, COPE, was Recreation Committee Treasurer, FEPC Chairman, served as shop steward for three terms, on the Grievance Committee for one term, and was vice chairman of the bargaining unit for nearly two terms.

In 1966 he was appointed as an organizer to the Los Angeles-Orange Counties Organizing Committee [LAOCOC], AFL-CIO. Two years later, he was appointed to the AFL-CIO field representative staff. He moved on to become coordinator of the LAOCOC, AFL-CIO in June 1986.

In addition to his union activities, Ruben has served our community through his involvement with the Labor Council for Latin American Advancement, where he served as executive director. He also served as vice president of the Catholic Labor Institute, member of A. Philip Randolph Institute, and the International Brotherhood of Electrical Workers.

Ruben and his wife, Becky, have two children and two grandchildren. It is with pride that I ask my colleagues to join me in honoring Mr. Ruben Diaz as he retires from the AFL-CIO after over 45 years of involvement with the union.

#### THE HAZARDOUS WASTE FACILITIES FINANCIAL RESPONSIBILITY ACT

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. SPRATT. Mr. Speaker, I rise today to inform my colleagues of legislation I am filing relating to financial responsibility at hazardous waste facilities.

I realize that we are close to the end of the 104th Congress, but I felt it was important to introduce this legislation now so we can get a head start on debating an issue vital to millions of Americans. That issue is: Will we protect Americans living near hazardous waste facilities from being caught holding the bag when a costly release of hazardous waste occurs?

The bill is titled the "Hazardous Waste Facilities Financial Responsibility Act," and it addresses three problems associated with existing financial standards for hazardous waste facilities. Current law provides for post-closure care for only a fraction of the period when the hazardous waste poses a threat to human health and the environment. Current law only requires hazardous waste facility operators to demonstrate the ability to pay for clean-ups after they occur, not before. And current law allows companies to provide corporate guarantees to cover clean-up costs which are easily circumvented by the maze-like corporate structures prevalent in the industry. By correcting these three problems, the Hazardous Waste Facilities Financial Responsibility Act provides the public with complete assurance that the costs of care and clean-up at hazardous waste facilities will be borne by the owners and operators of those facilities.

First, the bill sets up a procedure for post-closure care of hazardous waste facilities that will last as long as necessary to protect human health and the environment. Under current law, post-closure care lasts for 30 years, at which time the Administrator has the option to extend it for another 30 years. My bill requires the Administrator to continue the post-closure period until it can be conclusively demonstrated that such care is no longer needed. The bill requires the Administrator to hold hearings, so the public will have the chance to be heard before post-closure is terminated.

Second, the bill ensures that all costs associated with post-closure care of the facility are covered including responsibility for credible accidents and known corrective action, liability assurances, and changes in costs resulting from changes in the facility or its permit. This provision corrects a serious flaw in current law, which completely excludes these necessary adjustments from the amount which operators are required to show they can pay. In essence, operators aren't required to show their ability for the cost of clean-up until after a costly accident has occurred. At that point, it is too late. The full range of potential costs or these facilities must be provided for up front.

Third, the bill eliminates the practice of using a financial test or corporate guarantee to assure payment of closure and post-closure costs. Many operators of hazardous waste facilities are structured with a myriad of layers

between parent corporation and operating subsidiary. The availability of the corporate guarantee makes it too easy, and too tempting, for skilled lawyers to devise corporate structures in which both the operating subsidiary and the nominal parent corporation are thrown into bankruptcy by unforeseen post-closure costs. Meanwhile, assets elsewhere in the corporate structure are protected.

A perfect example is a hazardous waste dump owned by Laidlaw/GSX located just outside my district in Pinewood, SC. In 1989, the accounting firm KPMG Peat Marwick did a study of this facility which revealed no less than five corporate layers between the company operating the landfill, and the deep-pocket corporate parent. Should a major accident at this facility occur, what assurance do taxpayers have that they won't be caught holding the bag? The Hazardous Waste Facilities Financial Responsibility Act will give them this assurance. Furthermore, prudent business practice dictates that a company should avoid having large potential liabilities uncovered by any insurance or financial instrument. We should demand no less protection for citizens and taxpayers.

#### A PROPOSAL TO ENHANCE THE FINANCIAL SECURITY OF CHILDREN BY PROVIDING FOR CONTRIBUTIONS BY THE FEDERAL GOVERNMENT TO CHILD RETIREMENT ACCOUNTS

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. HOUGHTON. Mr. Speaker, I am joined today by my colleague, Mrs. KENNELLY, in introducing legislation, the Children's Financial Security Act of 1996, which would establish tax-advantaged savings accounts for children. The approach is similar to the current one for individual retirement accounts, except that the accounts would be funded by the Government with \$1,000 annual refundable credits for children from the year of birth through age 5—a total of \$6,000. The credits would be invested in mutual funds that are government approved, but managed by the private sector. The credit would be phased-out at the higher income levels, e.g. between \$100,000 and \$150,000 for a married couple filing a joint return. The proposal also provides for make-up nondeductible contributions by parents for children under 19 at the date of enactment.

Why is the bill being introduced at this time? Hopefully, this can be a first step in starting a dialogue for the 105th Congress to address the needs of our children for education and retirement—and, at some future point, making this proposal part of any privatization of our Social Security system. We are concerned, like many others, that we must come up with long-term solutions to our government health and retirement systems.

Although this proposal would constitute an entitlement program, still it is not opened, as the credit and cost of the government is a maximum of \$6,000 per child, plus deferral of tax on the earnings buildup. Distributions from such an account would be taxable. Also, the availability of the credit is phased out to individuals at the higher-income levels. Most importantly, it could be one leg of a four-legged

retirement stool, with the others being Social Security (adjusted for privatization), private savings and other retirement plans.

We need to do something to solve the long-term problems of our Social Security system. And of course, the crown jewel of this proposal is the effect of compounding earnings and contributions over the lifetime of an individual. The figures are impressive. For example, with an investment return of 10 percent, the \$6,000 could grow to \$2,350,000 by age 65. At 8 percent, the fund would total \$740,000. The secret is to invest early.

The funds would be used for retirement purposes—to supplement other retirement funds, as well as Social Security benefits. However, funds could be withdrawn for education expenses and the purchase of a first-time home. The current and prior withdrawals could not exceed 50 percent of the earnings and contributions at the end of the prior year. Other nonexcepted withdrawals would be subject to significant penalties. The primary purpose is to encourage savings for retirement and to discourage withdrawals.

In summary, the proposal would (a) help to increase our national savings rate, (b) instill in individuals the advantages of saving for retirement at an early age, and (c) begin to address the very real problem of providing alternative options to company pension plans and Social Security benefits.

We welcome our colleagues support of this proposal and look forward to their involvement in debating these issues in the 105th Congress.

#### TRIBUTE TO RABBI REUVEN BEN-YAIR

HON. FLOYD D. SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. SPENCE. Mr. Speaker, I rise today to recognize Reuven Ben-Yair, who has the distinction of being the first native-born South Carolinian to be ordained as a rabbi. Reuven Ben-Yair is a descendent of immigrants who came to South Carolina in the late 1600's. His family has contributed much to the Palmetto State and he has followed their example by leading a life that is dedicated to serving his fellow man.

Reuven Ben-Yair was born as Robert Tracy Schwartz in Kingstree, SC, in 1966. He has chosen to go by the name Reuven Ben-Yair, which is the Hebrew name that was given to him at birth. He was raised in Conway and graduated from high school there. In 1989, he received the Bachelor of Arts degree from the University of South Carolina, with a double major in religious studies and philosophy. He then entered a joint theological studies program conducted by Yeshivat Mercaz Ha-Rav Rabbinical Seminary and Hebrew University in Jerusalem. This summer, Reuven Ben-Yair was ordained as a rabbi.

In addition to his studies, Rabbi Ben-Yair has served in the Israeli Army in an elite paratrooper reconnaissance unit, where he attained the rank of lieutenant. He has also devoted much time to working with children.

Mr. Speaker, for the first time in the over 300-year history of our great State, a South Carolinian has been ordained as a rabbi. On

behalf of those of all faiths in our State, I would like to congratulate Rabbi Reuven Ben-Yair and wish him much success.

#### 100TH ANNIVERSARY OF THE LADIES' ANCIENT ORDER OF THE HIBERNIANS, DIVISION I

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. COSTELLO. Mr. Speaker, I rise today to recognize the Ladies' Ancient Order of Hibernians, Division I, in St. Clair County, IL. They will celebrate their 100th anniversary on Sunday, October 20, 1996.

The women of Division I received their charter in East Saint Louis, IL, on October 30, 1896. Originally, the primary purpose of the Ladies' AOH was to assist young immigrant Irish girls coming to the United States in security employment, offering them protection, and moral support. Today, Hibernians are primarily a Catholic action group and service organization. The preamble of the constitution of the Ladies' order states the intent and purpose of the group is to promote the interests and welfare of Americans of Irish descent, to aid the people of Ireland to achieve independence, to promote Catholic action and to assist in mission work.

Throughout the years the Ladies' AOH has supported local social work agencies such as the Catholic Urban League, Poor Clare Sisters, the Radio Service, the Bishop's Burse, St. Jude's Hospital, and the Special Olympics. Division I also supports the national organization's Irish essay contest for middle and high school students in order to foster an interest in the history of Ireland among young people.

Irish-Americans have long been an integral part of our common history. The contributions that the Ladies' Ancient Order of Hibernians have made their community and their heritage are invaluable to the people of St. Clair County. I ask my colleagues to join me in wishing them a wonderful centennial celebration and best wishes for the next 100 years.

#### INTRODUCTION OF H. RES. 518

HON. JUANITA MILLENDER-MCDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Ms. MILLENDER-MCDONALD. Mr. Speaker, I am inserting into the RECORD correspondence and a resolution having to do with the CIA involvement in introducing crack cocaine into the Los Angeles area to help support the Contras.

HOUSE OF REPRESENTATIVES,  
Washington, DC, August 20, 1996.

Hon. JANET RENO,  
Attorney General, Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: It is with great alarm that I have read, in the San Jose Mercury News and other news publications, of the involvement of the U.S. Central Intelligence Agency in the introduction, financing, and distribution of crack cocaine into the Compton and South Central areas of my District. As the elected representative of

these areas, I am both appalled and extremely distressed by these reports and am asking that the Department of Justice conduct a full scale investigation into these allegations.

As you are no doubt aware, crack cocaine is one of today's major problems facing not only the area that I represent but also hundreds of thousands of Americans nationwide. The mere idea that our government could have, in any way, been involved in the financing or distribution of this horrendous drug is repulsive to me. I believe that it is incumbent upon us, the elected federal representatives of the people, to look into this matter and determine what, if any role, the federal government played in ruining the lives of hundreds of thousands, if not millions, of people. I am sure you would agree that we need to determine the extent to which the government was involved in the cocaine trade in Los Angeles—or anywhere else for that matter—if we are to continue to hold the trust of the people.

Please advise me as soon as possible what you and your agency are doing to address these allegations. I will not allow this matter to rest until I am satisfied that we have the answers to the many questions that have been raised in the last few days. I look forward to working with you in investigating this matter as well as in addressing the larger question of how we help the millions of people whose lives have been adversely affected by this insidious drug. Thank you in advance for your attention to this matter.

Sincerely,  
JUANITA MILLENDER-MCDONALD,  
Member of Congress.

HOUSE OF REPRESENTATIVES,  
Washington, DC, August 20, 1996.

Hon. JOHN DEUTCH,  
Director, U.S. Central Intelligence Agency,  
Washington, DC.

DEAR DIRECTOR DEUTCH: It is with great alarm that I have read, in the San Jose Mercury News and other news publications, of the involvement of the U.S. Central Intelligence Agency in the introduction, financing, and distribution of crack cocaine into the Compton and South Central areas of my District. As the elected representative of these areas, I am both appalled and extremely distressed by these reports and am asking that the Department of Justice conduct a full scale investigation into these allegations.

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affected by this insidious drug. Thank you in advance for your attention to this matter.

Sincerely,

JUANITA MILLENDER-MCDONALD,  
Member of Congress.

HOUSE OF REPRESENTATIVES,  
Washington, DC, August 20, 1996.

Hon. LARRY COMBEST,  
Chairman, House Permanent Select Committee  
on Intelligence, Washington, DC, 20515

DEAR CONGRESSMAN LARRY COMBEST: It is with great alarm that I have read, in the San Jose Mercury News and other news publications, of the involvement of the U.S. Central Intelligence Agency in the introduction, financing, and distribution of crack cocaine into the Compton and South Central Los Angeles areas of my district. As the elected representative of these areas, I am both appalled and extremely distressed by these reports and am asking that your committee conduct a full scale investigation into these allegations.

As you are no doubt aware, crack cocaine is one of today's major problems facing not only the area that I represent but also hundreds of thousands of Americans nationwide. The mere idea that our government could have, in any way, been involved in the financing or distribution of this horrendous drug is repulsive to me. I believe that it is incumbent upon us, as elected representatives of the people, to look into this matter and determine what, if any role, the federal government played in ruining the lives of hundreds of thousands, if not millions, of people. I am sure you agree that we need to determine the extent to which the government was involved in the cocaine trade in Los Angeles—or anywhere else for that matter—if we are to continue to hold the trust of the people.

Please advise me as soon as possible what you committee intends to do to address these allegations. I will not allow this matter to rest until I am satisfied that we have all the answers to the many questions that have been raised in the last few days. I look forward to working with you in investigating this matter as well as in addressing the larger question of how we help the millions of people whose lives have been adversely affected by this insidious drug. Thank you in advance for your attention to this matter.

Sincerely,

JUANITA MILLENDER-MCDONALD,  
Member of Congress.

HOUSE OF REPRESENTATIVES,  
Washington, DC, August 20, 1996.

Hon. NORMAN DICKS,  
Ranking Democratic Member, Select Committee  
on Intelligence, Washington, DC, 20515

DEAR CONGRESSMAN NORMAN DICKS: It is with great alarm that I have read, in the San Jose Mercury News and other news publications, of the involvement of the U.S. Central Intelligence Agency in the introduction, financing, and distribution of crack cocaine into the Compton and South Central Los Angeles areas of my district. As the elected representative of these areas, I am both appalled and extremely distressed by these reports and am asking that your committee conduct a full scale investigation into these allegations.

As you are no doubt aware, crack cocaine is one of today's major problems facing not only the area that I represent but also hundreds of thousands of Americans nationwide. The mere idea that our government could have, in any way, been involved in the financing or distribution of this horrendous drug is repulsive to me. I believe that it is incumbent upon us, as elected representatives of the people, to look into this matter and determine what, if any role, the federal

government played in ruining the lives of hundreds of thousands, if not millions, of people. I am sure you agree that we need to determine the extent to which the government was involved in the cocaine trade in Los Angeles—or anywhere else for that matter—if we are to continue to hold the trust of the people.

Please advise me as soon as possible what you committee intends to do to address these allegations. I will not allow this matter to rest until I am satisfied that we have all the answers to the many questions that have been raised in the last few days. I look forward to working with you in investigating this matter as well as in addressing the larger question of how we help the millions of people whose lives have been adversely affected by this insidious drug. Thank you in advance for your attention to this matter.

Sincerely,

JUANITA MILLENDER-MCDONALD,  
Member of Congress.

HOUSE OF REPRESENTATIVES,  
Washington, DC, September 3, 1996.

Hon. DONALD PAYNE,  
Chairman, Congressional Black Caucus, Ray-  
burn House Office Building, Washington,  
DC.

DEAR CHAIRMAN DONALD PAYNE: Please find enclosed a copy of my letter to Congressman Larry Combest, Chairman of the House Permanent Select Committee on Intelligence, requesting his committee to look into published news accounts which implicate the U.S. Central Intelligence Agency in the establishment and proliferation of drug trafficking in South Central Los Angeles in the early and mid-1980s.

I propose that the Congressional Black Caucus hold a field hearing on this issue in the 37th Congressional District on Saturday, October 19, 1996. California's 37th Congressional District includes the South Central Los Angeles communities of Watts, Willowbrook and Compton. These areas have been hard hit by the proliferation of crack cocaine, gangs and gun violence. A field hearing sponsored by the CBC and hosted by me and other Members of Los Angeles delegation would serve to keep this issue before the local news in the largest media market in the country and is certain to gain national exposure. It would also serve to maintain pressure on the Justice Department, Central Intelligence Agency and our Intelligence Committee colleagues to thoroughly investigate these issues. Moreover, we could announce the hearing during the Congressional Black Caucus Foundation Annual Legislative Conference.

I would appreciate your favorable consideration of this proposal and response as soon as possible so that I can direct my staff appropriately. Should you have any questions, or wish to discuss this matter further, please feel free to contact me at (310) 549-0537.

Warm regards,

JUANITA MILLENDER-MCDONALD,  
Member of Congress.

Enclosure.

H. RES. 518

Resolved,

(a) There is established in the House of Representatives a select committee to be known as the Select Committee to Investigate CIA Involvement in Crack Cocaine Sales in South Central Los Angeles (hereafter referred to in this resolution as the "select committee").

(b) The select committee shall be composed of 27 Members of the House to be appointed by the Speaker, one of whom he shall designate as chairman, and one of whom he shall designate as vice chairman. Not more than 15 members of the select com-

mittee shall be of the same political party. Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

(c) The select committee is authorized and directed to conduct a full and complete investigation and study, and to make such findings and recommendations to the House as the select committee deems appropriate, regarding the alleged involvement of the Central Intelligence Agency in the financing, distribution, and sale of crack cocaine in south central Los Angeles and the surrounding area and its further involvement in the use of profits from such alleged activities to fund anti-government forces in Nicaragua.

(d) One-third of the members of the select committee shall constitute a quorum for the transaction of business other than the reporting of a matter, which shall require a majority of the committee to be actually present, except that the select committee may designate a lesser number, but not less than two, as a quorum for the purpose of holding hearings to take testimony. When a quorum for any particular purpose is present, general proxies may be counted for that purpose. The select committee may sit while the House is reading a measure for amendment under the five-minute rule. The rules of the House shall govern the select committee where not inconsistent with this resolution. The select committee shall adopt additional written rules, which shall be public, to govern its procedures, which shall not be inconsistent with this resolution or the rules of the House. Such rules may govern the conduct of the depositions, interviews, and hearings of the select committee, including the persons present.

(e) The select committee is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, or in any other country, whether the House is in session, has recessed, or has adjourned; to require, by subpoena or otherwise, the attendance and testimony of such witnesses, the furnishing of information by interrogatory, and the production of such books, records, correspondence, memoranda, papers, documents, calendars, recordings, data compilations from which information can be obtained, tangible objects, and other things and information of any kind as it deems necessary, including all intelligence materials however classified; and to obtain evidence in other appropriate countries with the cooperation of their governments. Unless otherwise determined by the select committee the chairman, upon consultation with the ranking minority member, or the select committee, shall authorize and issue subpoenas. Subpoenas shall be issued under the seal of the House and attested by the Clerk, and may be served by any persons designated by the chairman or any member. Provisions may be included in the rules and process of the select committee to prevent the disclosure of committee demands for information. The select committee may request investigations, reports, and other assistance from any agency of the executive, legislative, and judicial branches of the Federal Government.

(f) The chairman, or in his absence the vice chairman, or in their absence a member designated by the chairman, shall preside at all meetings and hearings of the select committee. All meetings and hearings of the committee shall be conducted in open session, unless a majority of members of the select committee voting, there being in attendance the requisite number required for the purpose of hearings to take testimony, vote to close a meeting or hearing. Pursuant to rule XI(3)(f)(2), coverage of testimony of

subpoenaed witnesses will be limited at their request, unless a majority of members of the select committee voting, there being in attendance the requisite number required for the conduct of business, vote otherwise.

(g) The chairman, upon consultation with the ranking minority member, may employ and fix the compensation of such clerks, experts, consultants, technicians, attorneys, investigators, and clerical and stenographic assistants as it considers necessary to carry out the purposes of this resolution. No more than three such staff may receive compensation corresponding to Executive Level IV. The select committee shall be deemed a committee of the House for all purposes of law, including rule XI(2)(n), and sections 6005, 1505, and 1621 of title 18, section 192 of title 2, 1754(b)(1)(B)(ii) of title 22, and section 734(a) of title 31, United States Code. The select committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the select committee, other than expenses in connection with meetings of the select committee held in the District of Columbia. Staff of the House of joint committees, at the direction of their Members, committee chairmen, or the Speaker, as appropriate, and upon request of the select committee, may serve as associate staff to the select committee for designated purposes. Associate staff shall be deemed staff of the select committee to the extent necessary for those designated purposes.

(h) Unless otherwise determined by the select committee the chairman, upon consultation with the ranking minority member, or the select committee, may authorize the taking of affidavits, and of depositions pursuant to notice or subpoena, by a Member or by designated staff, under oath administered by a Member or a person otherwise authorized by law to administer oaths. Deposition and affidavit testimony shall be deemed to have been taken in Washington, DC, before the select committee once filed there with the clerk of the committee for the committee's use. Unless otherwise directed by the committee, all depositions, affidavits, and other materials received in the investigation shall be considered nonpublic until received by the select committee, except that all such material shall, unless otherwise directed by the committee, be available for use by the Members of the select committee in open session.

(i) The select committee shall be authorized to respond to any judicial or other process, or to make any applications to court, upon consultation with the Speaker consistent with rule L.

(j) The select committee may submit to standing committees, including the Permanent Select Committee on Intelligence, specific matters within their jurisdiction, and may request that such committees pursue such matters further. Committees pursuing such requested inquiries may, in turn, receive the continuing assistance, consistent with the select committee's own jurisdiction, of the select committee's legal process, personnel, and records. Committees which pursue or have pursued inquiries, during the previous or current Congress, within the subjects of the select committee investigation shall furnish the select committee with copies of all testimony and documents.

(k) There shall be paid out of applicable accounts of the House such sums as may be necessary for the expenses of the select committee. Such payments shall be paid on vouchers signed by the chairman and approved in the manner directed by the Committee on House Oversight. Amounts made available under this subsection shall be expended in accordance with regulations pre-

scribed by the Committee on House Oversight of the House.

(l) The select committee shall report to the House the final results of its investigation and study as soon as practicable during the present Congress. Following the filing of its final report, it shall have one month before the authority herein shall expire in order to close its affairs, including provision of assistance to committees pursuing remaining inquiries, transmittal of records to other committees, and storage of its remaining records by the Clerk of the House, who may, as directed by the select committee, store records in secure facilities of the intelligence community pursuant to agreement retaining control of access by the House.

#### TRIBUTE TO ARTHUR JAY FARO

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Arthur Jay Faro, an outstanding health administrator and a respected citizen, on the occasion of the celebration of his 32 years of dedicated service to the Sequoia Hospital District and our community.

Mr. Faro, a graduate of the University of Vermont and recipient of a Masters in Business Administration from George Washington University, began his career with Sequoia Hospital in 1964 as Director of Personnel and Services and became Chief Executive in 1989. Since that time he has served with the diligence and distinction that have marked all his years at Sequoia. His unparalleled leadership and consensus-building skills were critical to seeing Sequoia Hospital and the Sequoia Hospital District through its growth in size and reputation, through some of its most difficult decisions, including the most recent one to save the hospital by affiliating with Catholic Healthcare West.

Mr. Faro currently serves as a member of the Sequoia Health Services Board of Directors. He has served as a member and director of many professional organizations, including the Hospital Consortium of San Mateo County, the American College of Health Care Executives and the West Bay Hospital Conference. He currently serves on the Board of the American Heart Association (San Mateo Chapter) and the Heart Association California Affiliate, the Redwood City Chamber of Commerce, the Sequoia Hospital Employees Credit Union and the Advisory Board of Bay Area Bank. He has served in the past as an advisor or director of the Committee for Radiology Technologist Education, the Sequoia Union High School District, the Sequoia YMCA, and the Sequoia Chapter of the American Red Cross. He also served honorably in our Nation's Armed Forces.

Art Faro is a licensed commercial pilot, a certified scuba diver, and an ardent photographer, jogger, bicyclist, backpacker and traveler.

Mr. Speaker, Art Faro has been an extraordinary leader in San Mateo County and has given important public service to his community and the Sequoia Hospital District. I've been privileged to work closely with him and I'm proud to call him my friend. I ask my colleagues to join me in saluting Art Faro as he retires from Sequoia Hospital and wish him well as he embarks on new chapters in life.

#### EXPRESSING SUPPORT FOR HOME- AND COMMUNITY-BASED CARE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. GINGRICH. Mr. Speaker, as a cosponsor of important legislation introduced by my friend, colleague, and member of the Task Force on Disabilities, STEVE GUNDERSON, I wish to express my support for home- and community-based care. This initiative was advocated by people with a personal interest in attendant services—the disabled—and I believe that this bill is a step in the right direction toward personal empowerment.

I appointed Mr. GUNDERSON to the Task Force on Disabilities back in July 1995 because of his commitment to personal empowerment. He has demonstrated his ability to lead, and I applaud his leadership on this issue. During the debate over Medicaid reform during the 104th Congress, I submitted a statement in the CONGRESSIONAL RECORD in support of home- and community-based care for the disabled based on recommendations from the Sixth District Disabilities Task Force which I appointed in Georgia, and urged States to develop programs that provide these services. It is only by giving States more flexibility to develop these innovative programs that the Government can efficiently and effectively meet the health care needs of Medicaid recipients. I am aware that this proposal may have significant cost implications, and I believe that careful consideration and additional input will help ensure a sound policy decision.

I am hopeful that we can move away from the current bias toward institutionalization in favor of home- and community-based services, whenever appropriate. This is an important bill for helping the disabled to lead a fully integrated life.

#### MATERNAL AND FAMILY HEALTH SERVICES 25TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. KANJORSKI. Mr. Speaker, I am pleased today to have the opportunity to congratulate Maternal and Family Health Services Inc., on the occasion of its 25th anniversary. On October 3, 1996, the community will gather to commemorate this milestone and I am honored to have been asked to participate.

Maternal and Family Health Services was established in 1971 to address the needs of healthcare for the women of northeastern Pennsylvania. In the beginning the focus of the Maternal Health Services was to provide subsidized family planning services to women in need in northeastern Pennsylvania. In June of that year, the agency received its first funding from title X of the United States Department of Health, Education and Welfare.

Since 1971 the scope of the agency has progressed to encompass a variety of women's healthcare issues. Addressing the need of quality prenatal care for economically disadvantaged women, the agency began its Maternity Services Program. Adequate prenatal

care has been proven to minimize health care complications in pregnancies and later on in the life of the infant.

Located at Mercy Hospital Wilkes-Barre and Mercy Hospital Scranton, the program works with expectant mothers by providing prenatal healthcare and ensuring healthier pregnancies and births.

Maternal and Family Health Services also administers the important WIC [Women, Infants and Children] grant for the largest geographic area in Pennsylvania. Over 54,000 people depend on this program for supplemental nutrition at forty clinic sites.

Mr. Speaker, the list of programs of this important health service is lengthy. Another important service offered is the Healthy Women 50+ Program. This project is a breast and cervical cancer screening program funded by the Commonwealth of Pennsylvania. The program provides important preventive cancer screening to economically disadvantaged women over the age of 50.

Today, the workers of MFHS are challenged to provide more services to more clients with less funding. Considering the mission statement of the agency, "To provide quality health and social services including, but not limited to, general health care, technical assistance and educational services provided primarily in the areas of reproduction, obstetrics and nutrition, delivered in sixteen northeastern Pennsylvania counties to persons in need," this has not been an easy task. In light of this mission statement it is easy to see that the agency has met and surpassed all of those challenges put forth by its original founders.

Mr. Speaker, I am pleased to join with the northeastern Pennsylvania community in recognizing the important work done by the dedicated staff of the Maternal and Family Health Services. The agency is under the capable leadership of my good friends Executive Director Mary Lou Schaefer, as well as Public Relations Director Rose Tucker. Both of these women have committed their lives and careers to improving the lives of women and bringing issues of women's health to the attention of our community. I congratulate these hardworking, dedicated professionals on a job well done.

IN HONOR OF GINGER KEMP: FOR  
YEARS OF DISTINGUISHED AND  
DEDICATED SERVICE TO THE BA-  
YONNE COMMUNITY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Ginger Boele Kemp, an outstanding individual and community leader who has distinguished herself through years of outstanding service to the Bayonne community. For years, she has displayed hard work, dedication, and community spirit. Her enormous contributions and devotion to multiple civic causes and local business projects have earned her the admiration of the Bayonne community. For her years of service, a celebration will be held in her honor on September 28, 1996.

Throughout her tenure in Bayonne, Ginger Kemp has demonstrated an ability to bring

about positive change in her community. Her participation in the affairs of the community has fostered a heightened awareness and appreciation, especially among local businesses and organizations, toward individuals who devote their time to issues which affect the community in a positive way. Ginger Kemp's diligence has set a standard for all within the Bayonne community to emulate, and I commend her for all she has done to help the residents of her community.

Ginger Kemp's numerous accomplishments and contributions throughout the years are truly appreciated, and I hope that she continues to serve as a positive role model for many more years to come. Ginger Kemp is truly deserving of this recognition. Her recent memberships include: the City Improvement Committee, the Bayonne Economics Development Corporation, the Bayonne Chamber of Commerce, the Bayonne 2000: Steering Committee, the Bayonne Community Mental Health Committee, the Concerned Citizens of Bayonne 25th Anniversary Committee, and the YWCA of Hudson County. In the past, she had served as president of the Bayonne Rotary Club, and is the chairperson of the Bayonne Home Town Fair.

It is an honor to have such a hardworking individual living and contributing to my congressional district. I ask my colleagues to join me in honoring this outstanding leader of the Bayonne community and recognize the important role she has played throughout the years. Her actions exemplify the true meaning of community service.

IN RECOGNITION OF THE SAVE  
TODAY FOR TOMORROW PROJECT

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. BENTSEN. Mr. Speaker, I rise today to honor the Save Today for Tomorrow Project in Houston. On October 9, 1996, the Harris County Medical Society, the Harris County Medical Society Alliance, the Texas Medical Association Alliance, and the American Medical Association Alliance will jointly present Members of the House of Representatives with "black and blue knots" ribbons to urge Americans to stop domestic violence. I am working with these groups to distribute these ribbons in Washington, DC.

Domestic violence is a nationwide epidemic that we must address. Domestic violence affects as many as one-fourth of all Americans; 6 out of 10 couples will experience violence at some time during their marriages. A woman is battered every 12 seconds in this country. Regrettably, 3 to 4 million women are battered each year by their husbands and partners. Domestic violence is one of the leading causes of injury to women aged 15 to 44.

People who are abused often repeat this vicious cycle. Approximately one-third of women who are abuse victims will abuse their children. Nearly 2 million children are abused and neglected each year and 1,000 children die each year from violence. In fact, violence has replaced disease as the No. 1 one killer of children. We need to stop this trend and eliminate violence in our society.

As part of this awareness campaign, State and local officials are issuing proclamations

designating October 9, 1996, as Save Today for Tomorrow Day. This proclamation reads as follows:

PROCLAMATION TO SAVE TODAY FOR TOMORROW STOP AMERICA'S VIOLENCE EVERYWHERE

Whereas violence is among the leading causes of death in America, and has replaced disease as the number one killer of children; and

Whereas domestic violence has devastating effects on a woman's physical and emotional well-being, and her ability to care for her children; and

Whereas violence comes in many forms; sexual violence; gang and peer-related violence committed by youth of all ages; family violence; street violence; and violence in the media; and

Whereas billions of dollars per year are attributable to preventable violence-related deaths and injuries and add a tremendous burden to America's health care system; and

Whereas the first step toward unraveling the many layers of our nation's violence problems can begin with awareness; and

Whereas awareness and prevention are the heart of the SAVE program and its cornerstone event, SAVE Today, during which physician's spouses around the country will join efforts to Stop America's Violence Everywhere; and

Whereas members of the Harris County Medical Alliance will lead the effort to urge local citizens to search for ways we can all help SAVE Today for Tomorrow.

I am pleased to join in this effort to increase awareness about domestic violence.

I applaud the hard work and dedication of the Harris County Medical Alliance to increase awareness about domestic violence. It is my hope that with more awareness, all Americans will work toward reducing this national tragedy.

TRIBUTE TO RAUL VARGAS FOR  
HIS YEARS OF SERVICE TO THE  
COMMUNITY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. TORRES. Mr. Speaker, I ask my colleagues to join me today in honoring a friend, Mr. Raul Vargas, executive director of the Office for Mexican American Programs at the University of Southern California. On October 24, 1996, I will join California State Senator Hilda Solis, Miller Brewing Co.'s Victor Franco, and Chicanos for Creative Medicine in paying tribute to Raul for his many years of selfless service to our community.

Raul was born in Miami, AZ, a small mining town, which is also my birthplace. He attended Arizona State University, and served in the U.S. Army. He also attended California State University, Los Angeles, as well as the University of Southern California, pursuing graduate studies. In 1973-74, Raul, along with eight other USC Alumnus, formed the USC Mexican-American Alumni Association. The USC MAAA was established to provide financial assistance to undergraduate Mexican-American students attending USC. To date, MAAA has provided over 3,700 undergraduate scholarships totaling over \$5 million. In addition to the undergraduate scholarship program, the MAAA funds four medical school students in a joint venture with the USC School of Medicine.

The MAAA has successfully concluded a campaign to develop \$1 million to establish the USC MAAA Endowment Fund, and for the 1995–96 academic year, the USC MAAA included graduate students as scholarship recipients for the first time.

Raul has received numerous awards and honors in recognition of his selfless service to our community. Among those have been the Arizona State University Hispanic Alumni Association Recognition Award, the Bishop Amat High School Msgr. Thomas A. Kiefer Humanitarian Award, the TRW Career Opportunities for Youth Award, the Fiesta Educativa Award, the Mexican-American Opportunity Foundation Aztec Award, the National Hispanic Scholarship Fund Hispanic of the Year Award, the National Network of Hispanic Women Leadership Award, and honorary membership to the Society of Hispanic Professional Engineers. His membership in professional organizations includes the USC Skull and Dagger Society, the USC Mortar Board, Fiesta Educativa, Inc., Navidad En El Barrio, Ramona Convent High School, The East Los Angeles Community Union Scholarship Committee, McDonald's Scholarship Committee, and staff advisor to the USC Latino Business Student Association.

Raul and his wife, Marcia, currently reside in Upland, CA. Both his daughter, Tracie, and his son, Cesar, followed in their father's footsteps and attended USC.

Mr. Speaker, it is with great pride that I ask my colleagues to rise and join me in paying tribute to my friend, Raul Vargas, a man who has lived his life serving others and creating opportunities for our community's students.

#### EASTERN BALTIMORE AREA CHAMBER OF COMMERCE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to the Eastern Baltimore Area Chamber of Commerce on its 50th anniversary of outstanding service to the community.

The Eastern Baltimore Area Chamber is one of Maryland's most effective local chambers. In the chamber's early days, it was instrumental in establishing the first public library and first YMCA in Baltimore County. Over the years, the chamber's influence has grown to include its involvement in important policy issues such as critical area legislation and Baltimore County's master plan. In bringing together leaders from business, industry, and the community, the chamber has been at the forefront of economic progress in our area.

In addition, the chamber has been an invaluable resource in helping Baltimore city and Baltimore County businesses expand and grow. From historic preservation, to infrastructure improvements to the health of the Port of Baltimore, the chamber has taken a leading role in fostering a strong economic environment. The chamber's involvement has played a key role in the overall economic health of our entire region.

I urge my colleagues to join me in congratulating the Eastern Baltimore Area Chamber of Commerce on a job well done. The time and effort put forth by the chamber and its many

members have enabled Baltimore County and Baltimore city to develop into a strong competitive economic region.

#### THE TRAVEL AND TOURISM PARTNERSHIP ACT

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. LEWIS of Kentucky. Mr. Speaker, I am pleased that, yesterday, this body strongly supported H.R. 2579, the Travel and Tourism Partnership Act. This bill will establish a public-private organization to promote the tourism industry, which employs many folks in my district and over 7 million Americans nationwide. By combining public resources and private sector know how, we can find ways to promote tourism in the United States, create jobs and improve our economy.

I suspect that many of my colleagues have not traveled to the Second District, so I want to extend an open invitation to visit some of our public and private attractions such as:

My Old Kentucky Home State Park, located near Historic Bardstown, KY.

We have beautiful vacation areas such as Taylorsville Lake, Rough River Dam Park, Green River Lake, Nolin Lake, Barren River Lake.

Come see the birthplace of one of our greatest Presidents, Abraham Lincoln, which is now a beautiful Federal park, in Hodgenville, KY.

Or you may want to visit the many cave attractions such as Kentucky Down Under and Kentucky Caverns, or the American Cave Museum and Hidden River Cave, and of course, Mammoth Cave in Edmonson County.

The Second District is also home to the one and only Corvette Museum in Bowling Green, the International Bluegrass Museum in Owensboro, and the Museum of Coca-Cola Memorabilia in Elizabethtown.

And you will want to experience Fort Knox, the home of the National Gold Depository and the General Patton Museum.

Two years ago, I used this bill as a model to establish a Travel and Tourism Roundtable within the Second District. Since that time, the roundtable has tried to meet on a quarterly basis, bringing together representatives from tourism associations, commissions, and attractions in the Second District. Our meetings have provided an important forum to discuss initiatives that will collectively promote our beautiful and historic area of Kentucky.

On October 7, our roundtable will host a day long seminar with discussions from national tourism industry representatives, State officials, and local tourism experts. Our seminar will provide an opportunity to discuss positive tourism efforts underway and to share ideas for the future. I am looking forward to this event which, in the spirit of H.R. 2579, will combine private and public tourism interests, establish better working relationships within the industry, and lead to positive solutions to advance tourism throughout the Second District.

Again, I strongly support the creation of a National Travel and Tourism Board to establish on the national level, the same successful cooperation we have seen so far in the Second District.

#### PUBLIC SERVANT PRAISED FOR YEARS OF SERVICE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in remembrance of Joe H. Golman who passed away September 23, 1996 in Dallas, TX. Mr. Golman was a distinguished member of the Dallas City Council, Texas Legislator, businessman and a religious leader in the Jewish community. At an early age, Mr. Golman brought his vision of public service to the greater Dallas area. A year after losing a council election at the age of 23, Mr. Golman won appointment to the city plan commission. His successful and effective political career continued as he became chairman of the Dallas Zoning Board of Adjustment, city council, deputy mayor pro-tem and the Texas State Legislature where he served with distinction until 1973.

Mr. Golman was also at the forefront of economic development, entrepreneurship and commerce, serving Dallas' food service industry as president of Golman-Hayden, a produce brokerage and consulting service; and president of Circle T Foods Co. He was a member of the Greater Dallas, East Dallas, and Oak Cliff Chambers of Commerce and a member of the Salesmanship Club of Dallas for more than 50 years. Mr. Golman also fulfilled the true measure of leadership: Passing on the torch of leadership to young people in his capacity as a charter member of the Dallas Assembly, which sought to groom young city leaders. Political and business success did not remove his compassion, activity and energy from his religious beliefs. Mr. Golman was a life board member of the Jewish Community Center and as president of the National Jewish Welfare Board's southern region.

I wish to extend my condolences to his family and his many friends and supporters. Mr. Golman was the epitome of the true public servant and his years of unselfish contributions to the political, business, and religious environments of Dallas are very much appreciated by its citizens. His work will be sorely missed, but not forgotten.

#### RELEASE OF OBSERVER REPORT ON BOSNIAN ELECTIONS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. SMITH of New Jersey. Mr. Speaker, today the Helsinki Commission, which I Chair, is releasing its staff election observer report on one of the most important international events of the year—the September 14 elections in Bosnia-Herzegovina.

Among their conclusions, the Commission staff state the following:

The elections cannot be considered free and fair, and were held prematurely because of limited international support for existing peacekeeping burdens.

The campaign period detracted the most from the election process, due to a lack of freedom of movement, association and expression, as well as the continued political activity of persons indicted for war crimes.

The provisional results, challenged by allegations of more ballots than voters, showed clear victories for the ethnically based parties originally brought to power in 1990. Whether the elections have set the stage for Bosnia's partition along ethnic lines, or for movement toward its effective reunification remains an open question.

The election administration was extremely complex and required significant outside help from the OSCE, which performed considerably well given the political and logistical circumstances in which it had to work.

Voter registration was also controversial, including on election day. Balloting nevertheless went relatively smoothly. There was some confusion in the transport and counting of ballots.

Mr. Speaker, holding the municipal elections in November as tentatively planned by OSCE would be a mistake. Not only would the administrative problems associated with the September 14 elections unlikely be corrected, the newly elected national institutions which must now begin to function should be free from the tensions and partisanship of another campaign period. And, a delay would allow time for Bosnian local leaders who support a unified, multiethnic Bosnia to compete fairly, and then help Bosnia build its democracy from the bottom up.

The Commission has, since 1992, taken the lead in the Congress in trying to shape a response to the war in Bosnia. Actively following and reporting on developments in the region, the Commission also has a particular interest in the effectiveness of the OSCE's organization of the Bosnian elections. The Commission held several briefings and hearings leading up to these elections, including hearing testimony from Bosnian elections officials, representatives of Bosnian political parties, OSCE mission chief Robert Frowick, special United States envoy William Montgomery, and other experts. The Commission staff which compiled the election report benefited from being in various parts of Bosnia on election day, contributing to the large and important task of observing the voting and counting of ballots.

Bosnia-Herzegovina and most every country emerging from the former Yugoslavia will remain high on the United States foreign policy agenda through the end of this year and into 1997. I therefore encourage my colleagues to read the conclusions of the staff report, which I am submitting for the record, and contact the Commission should you wish a copy of the full report.

COMMISSION ON SECURITY AND COOPERATION IN  
EUROPE—CONCLUSIONS OF STAFF REPORT ON  
SEPTEMBER 1996 ELECTIONS IN BOSNIA-  
HERZEGOVINA

On September 14, 1996, Bosnia-Herzegovina held its second multi-party elections since the collapse of the one-party Communist political system in the former Yugoslavia in 1989. These elections, however, were the first for that country since the break-up of the old Yugoslav federation and the warfare from 1992 to 1995 which accompanied Bosnia's emergency as an independent state. This fighting, largely directed against the civilian population, left an estimated quarter of a million people dead or unaccounted for, and half the original population of about 4.4 million displaced, internally or abroad as refugees. The warfare ended in December 1995 with the General Framework Agreement for Peace in Bosnia-Herzegovina (hereinafter the "Dayton Agreement"), which divided the

single Bosnian state into two entities with significant powers of their own. Even for those who survived the conflict in their own homes and villages, the economic, social and political upheaval associated with the war—let alone the almost universal personal loss of friend and/or family in it—made the holding of free and fair elections in Bosnia-Herzegovina virtually impossible, and filled any attempt to do so with risk.

Elections were held at the national and lower levels but did not include municipal elections, which were postponed. The election administration was extremely complex and required significant outside help from the OSCE, which performed well given the political and logistical circumstances. The campaign period detracted the most from the election process, due to insufficient freedom of movement, association and expression, as well as the continued political activity of persons indicted for war crimes. Voter registration was also controversial in preparing for elections, and remained a problem on election day itself. Balloting nevertheless went relatively smoothly, although the subsequent transport of counting of ballots was confusing and difficult.

Few have dared to characterize the September 14 elections in Bosnia-Herzegovina as free and fair. Voters generally had a free choice which could be secretly made when they stepped into the voting booth, but disenfranchisement and an intimidating atmosphere at certain locations detracted from this positive characterization. Moreover, on the basis of the campaign period alone, there was no doubt that the elections were not fair. Opposition parties had little chance to make their views known, let alone to counter aggressively the effects of years of war and propaganda on Bosnian voters from all ethnic groups. And, after the elections, questions regarding the total number of eligible voters make certification of the elections difficult.

The question, therefore, is not whether these elections were free and fair; they obviously were not. The question is whether the international community was wise to go forward with the elections within the time-frame mandated by Dayton. Based on the overwhelming nature of the victories for the ruling parties in the September 14 elections, there is little doubt that the results probably reflect the general will of the people of Bosnia-Herzegovina. With more time, during which more substantial efforts could have been undertaken to increase freedom of movement, of speech and of association, as well as to sideline more effectively those indicted for war crimes or otherwise responsible for the conflict in Bosnia-Herzegovina, the result might have been different.

Some who argued for holding the elections on schedule suggested that surprises may result, but they did not. They claimed that the situation might actually worsen unless elections were held soon rather than later, but little evidence of that possibility has surfaced. They argued that parties to the Dayton Agreement must adhere to the deadlines, but, in doing so, Dayton's own prerequisites for effective elections were not sufficiently met. They pointed out that all parties in Bosnia-Herzegovina wanted the elections to proceed, but this argument ignored the fact that the ruling parties wanted the elections because they knew they would win; that some other nationalist parties believed the elections could facilitate partition; and that moderate parties were hesitant but felt helpless in countering the larger forces dominating their country's politics. Those who prepared for the administration of the elections deserve credit for their hard work, but additional time would have enabled them to sort out the problems that caused so much confusion around election day.

Therefore, the main argument for holding the elections by the Dayton deadline seems driven mostly by the international community's limited desire to continue to provide Bosnia's peace and security through IFOR. The current IFOR mandate expires at the end of 1996, and the elections were considered a prerequisite to any withdrawal. Indeed, OSCE Mission Head Robert Frowick succeeded in delaying the initial withdrawal process until after the elections were held. If this influenced the decision on when to hold the elections, then U.S. Government pressure on the OSCE to hold elections prematurely deserves criticism. However, the European critics who wish to place full responsibility with the United States should recognize that, for all its faults, only the U.S.-brokered initiatives for peace in Bosnia-Herzegovina—both the Federation and the Dayton Agreement—have actually brought peace and produced some results. Also, not one government spoke within OSCE in opposition to holding the elections on September 14. Indeed, probably the greatest opposition came from non-government organizations based in the United States, which might have had greater success in achieving a postponement had some influential countries supported a delay.

Moreover, the peace process created by the Dayton Agreement may have largely run its course by September 1996, and this process needed something—the elections—to move to a new level. Pressure now rests on those elected to work together to resolve their problems, with less reliance on international involvement. If the international community at least maintains the resolve to prevent any party from resorting again to the use of force to achieve political ends, economic and other social forces may erode the political power of those now taking office and result in a more open, pluralistic society. This could even happen among Serbs, despite their present intention to become independent. Bosniacs, who have been the overwhelming victims, may actually become less willing to reconcile differences as a result. Bosnia's Croats can be expected generally to join with whichever side seems to have the upper hand. For all three, the pervasive fears and prejudices brought about by war and propaganda must be replaced by trust and tolerance if there is to be any hope of long-term success.

Unfortunately, the OSCE decided within days of the national and entity elections—and before finalizing and certifying the results of these elections—to proceed tentatively with more complex municipal elections in late November 1996. OSCE Coordinator for International Monitoring has personally expressed reservations about this decision. Some of the problems encountered with the national and entity-level elections can be corrected by that date, but the root cause of the original postponement—the registration of persons in specific localities—will be especially difficult to remedy. In the rush to organize the elections, other administrative mistakes are to be expected. Moreover, fledgling Bosnian and entity institutions must now try to begin work in the context of a new campaign that will only encourage intransigence. Finally, postponing the local elections for six months or longer provides the best chance for opposition parties to score victories and build democracy in Bosnia-Herzegovina from the bottom up. Comfortable with ethnically oriented leaders offering protection from the top, or reacting to the inability of these leaders to move the country forward, voters could be prepared by that time to vote on the basis of interests other than the need for ethnic cohesion. The ruling parties will be able to ride the wave of victory into local elections held in November 1996, reinforcing splits along ethnic lines.

Bosnia's future remains uncertain. A genuinely unified state could still emerge, or the state could be partitioned by its neighbors. To some degree, at least, further action by the international community could influence the direction in which Bosnia will head.

The OSCE's performance in organizing and conducting the elections has come under considerable criticism. While some of the criticism might be warranted, the OSCE de-

serves credit for having undertaken an extremely difficult task. Its leadership resisted those governments which sought to pressure it to act one way or another, and was relatively candid in assessing the situation leading up to the elections. In this respect, OSCE was a considerable improvement on the United Nations in its political work in Bosnia-Herzegovina. Finally, the OSCE can no longer remain on the sidelines for the

sake of its reputation. Perhaps the OSCE should have been given a larger role to play earlier. Considering the organization's direct involvement in restoring peace and stability to Bosnia-Herzegovina today, its effectiveness in bringing positive results to Bosnia-Herzegovina will depend largely on its ability to avoid repeating past mistakes and, like all international organizations, on the political will of its participating States.